
STATUTORY INSTRUMENTS

2016 No. 1093

The Lifts Regulations 2016

PART 2

Obligations of economic operators

Installers

Design, manufacture, installation and testing in accordance with essential health and safety requirements

6. Before placing a lift on the market, an installer must ensure that it has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements.

Technical documentation and conformity assessment

7. Before placing a lift on the market, an installer must—

- (a) have a relevant conformity assessment procedure carried out; and
- (b) draw up the technical documentation referred to—
 - (i) for a lift in respect of which the conformity assessment procedure in regulation 47(1)(a) is being carried out, in point 3 of Part B of Module B in Annex IV to the Directive (as amended from time to time);
 - (ii) for a lift in respect of which the conformity assessment procedure in regulation 47(1)(b) or 47(1)(d) is being carried out, in point 3.1(d) of Module H1 in Annex XI to the Directive (as amended from time to time);
 - (iii) for a lift in respect of which the conformity assessment procedure in regulation 47(1)(c) is being carried out, in point 3 of Module G in Annex VIII to the Directive (as amended from time to time).

EU declaration of conformity and CE marking

8.—(1) Where the conformity of a lift with the essential health and safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing the lift on the market, the installer must—

- (a) draw up a declaration of conformity in accordance with regulation 49 (EU declaration of conformity);
 - (b) ensure that the declaration of conformity accompanies the lift; and
 - (c) affix the CE marking in accordance with regulation 50 (CE marking).
- (2) The installer must keep the EU declaration of conformity up-to-date.
- (3) Where a lift is subject to more than one EU instrument requiring a declaration of conformity to be drawn up, the installer must draw up a single declaration of conformity, which—
- (a) identifies the EU instruments; and

- (b) includes references to the publication of those EU instruments in the Official Journal.

Retention of technical documentation and EU declaration of conformity

9. An installer must keep the technical documentation, the EU declaration of conformity and, where applicable, any approval decision, drawn up in respect of a lift for a period of 10 years beginning on the day on which the lift is placed on the market.

Labelling and instructions

- 10.**—(1) Before placing a lift on the market, an installer must—
- (a) ensure that it is labelled with—
 - (i) the name, registered trade name or registered trade mark of the installer;
 - (ii) a single postal address at which the installer can be contacted; and
 - (iii) the type, batch or serial number of the lift or other element allowing the lift to be identified; and
 - (b) ensure that it is accompanied by the instructions referred to in point 6.2 of Annex I to the Directive (as amended from time to time).
- (2) The information referred to in paragraph (1) above must be—
- (a) in the case of the information referred to in paragraph (1)(a), in a language that can be easily understood by the end-users and the competent national authority in the member State in which the lift is to be placed on the market;
 - (b) in the case of the information referred to in paragraph 1(b), in a language which can be easily understood by the end-users in the member State in which the lift is to be placed on the market; and
 - (c) clear and understandable.
- (3) Where the lift is to be placed on the market in the United Kingdom the language which can be easily understood by end-users is English.

Monitoring of lifts placed on the market

11.—(1) When appropriate, having regard to the risks to the health and safety of end-users presented by a lift, the installer must investigate complaints that lifts installed by it are not in conformity with Part 2.

- (2) An installer must keep a register and promptly make entries in that register of any—
- (i) complaints; and
 - (ii) lifts that are not in conformity with Part 2.
- (3) An installer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty to take action in respect of lifts placed on the market which are considered not to be in conformity

12.—(1) An installer who considers, or has reason to believe, that a lift which that installer has placed on the market is not in conformity with Part 2, must immediately take the corrective measures necessary to bring that lift into conformity.

(2) Where the lift presents a risk, the installer must immediately inform the market surveillance authority, and the competent national authorities of any other member State in which the installer placed the lift on the market, of the risk, giving details of—

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

Provision of information and cooperation

13.—(1) Following a reasoned request from the enforcing authority, and within such period as the enforcing authority may specify, an installer must provide the authority with all the information and documentation necessary to demonstrate that a lift is in conformity with Part 2—

- (a) in paper or electronic form; and
- (b) in a language that can be easily understood by the enforcing authority.

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

- (a) evaluate a lift in accordance with regulation 64 (evaluation of lifts or safety components for lifts presenting a risk); or
- (b) eliminate the risks posed by a lift which the installer has placed on the market.

Specific duties relating to buildings or constructions in which lifts are installed

14. The person responsible for work on a building or construction where a lift is to be installed and the installer must—

- (a) provide each other with the necessary information, and
- (b) take the appropriate steps,

in order to ensure the proper operation and safe use of the lift, in particular they must 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.

Manufacturers

Design and manufacture in accordance with essential health and safety requirements

15. Before placing a safety component for lifts on the market, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential health and safety requirements.

Technical documentation and conformity assessment

16. Before placing a safety component for lifts on the market, a manufacturer must—

- (a) have a relevant conformity assessment procedure carried out; and
- (b) draw up the technical documentation referred to—
 - (i) for a safety component for lifts in respect of which the conformity assessment procedure in regulation 48(a) or 48(b) is being carried out, in point 3 of Part A of Module B in Annex IV to the Directive (as amended from time to time);
 - (ii) for a safety component for lifts in respect of which the conformity assessment procedure in regulation 48(c) is being carried out, in point 3.1(d) of Module H in Annex VII to the Directive (as amended from time to time).

EU declaration of conformity and CE marking

17.—(1) Where the conformity of a safety component for lifts with the essential health and safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing the safety component for lifts on the market, the manufacturer must—

- (a) draw up a declaration of conformity in accordance with regulation 49 (EU declaration of conformity);
 - (b) ensure that it accompanies the safety component for lifts; and
 - (c) affix the CE marking in accordance with regulation 50 (CE marking).
- (2) The manufacturer must keep the EU declaration of conformity up-to-date.

(3) Where a safety component for lifts is subject to more than one EU instrument requiring a declaration of conformity to be drawn up, the manufacturer must draw up a single declaration of conformity, which—

- (a) identifies the EU instruments; and
- (b) includes references to the publication of those EU instruments in the Official Journal.

Retention of technical documentation and EU declaration of conformity

18. A manufacturer must keep the technical documentation, the EU declaration of conformity and, where appropriate, any approval decision, drawn up in respect of a safety component for lifts for a period of 10 years beginning on the day on which the safety component for lifts is placed on the market.

Labelling and instructions

19.—(1) Before placing a safety component for lifts on the market, a manufacturer must—

- (a) ensure that it is labelled with—
 - (i) the name, registered trade name or registered trade mark of the manufacturer;
 - (ii) a single postal address at which the manufacturer can be contacted; and
 - (iii) the type, batch or serial number of the safety component for lifts or other element allowing the safety component to be identified;
 - (b) ensure that it is accompanied by the instructions referred to in point 6.1 of Annex I to the Directive (as amended from time to time).
- (2) The information referred to in paragraph (1) above must be—
- (a) in the case of the information referred to in paragraph (1)(a), in a language that can be easily understood by the end-users and the competent national authority in the member State in which the safety component for lifts is to be made available to end-users;
 - (b) in the case of the information referred to in paragraph 1(b), in a language which can be easily understood by the end-users in the member State in which the safety component for lifts is to be made available to end-users; and
 - (c) clear and understandable.

(3) Where the size or nature of the safety component for lifts does not allow the information referred to in paragraph (1)(a) to be indicated on the safety component for lifts, that information must be provided on the label referred to in regulation 50(2).

(4) 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.

Compliance procedures for series production

20.—(1) A manufacturer of safety components for lifts which are manufactured by series production must ensure that, before placing the safety component on the market, procedures are in place to ensure that any safety components so manufactured will be in conformity with Part 2.

(2) In doing so, the manufacturer must take adequate account of—

- (a) any change in safety component for lifts design or characteristics; and
- (b) any change in a harmonised standard or in another technical specification by reference to which the EU declaration of conformity was drawn up.

Monitoring of safety components for lifts made available on the market

21.—(1) When appropriate, having regard to the risks to the health and safety of end-users presented by a safety component for lifts, the manufacturer must—

- (a) carry out sample testing of safety components for lifts manufactured by it which are made available on the market;
- (b) investigate complaints that safety components for lifts manufactured by it are not in conformity with Part 2;
- (c) keep distributors and installers informed of actions carried out under sub-paragraphs (a) and (b).

(2) A manufacturer must keep a register and promptly make entries in that register of any—

- (i) complaints;
- (ii) safety components for lifts that are not in conformity with Part 2; and
- (iii) safety component for lifts recalls.

(3) A manufacturer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty to take action in respect of safety components for lifts placed on the market which are considered not to be in conformity

22.—(1) A manufacturer who considers, or has reason to believe, that a safety component for lifts which that manufacturer has placed on the market is not in conformity with Part 2, must immediately take the corrective measures necessary to—

- (a) bring the 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 manufacturer must immediately inform the market surveillance authority, and the competent national authorities of any other member State in which the manufacturer made the safety component for lifts available on the market, of the risk, giving details of—

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

Provision of information and cooperation

23.—(1) Following a reasoned request from the enforcing authority, and within such period as the enforcing authority may specify, a manufacturer must provide the authority with all the information

and documentation necessary to demonstrate that a safety component for lifts is in conformity with Part 2—

- (a) in paper or electronic form; and
 - (b) in a language that can be easily understood by the enforcing authority.
- (2) A manufacturer 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); or
 - (b) eliminate the risks posed by a safety component for lifts which the manufacturer has placed on the market.

Authorised representatives

Appointment of authorised representatives

24.—(1) An installer or a manufacturer may, by written mandate, appoint a person as their authorised representative to perform specified tasks on the installer or the manufacturer's behalf.

(2) The mandate must allow the authorised representative to do at least the following—

- (a) in relation to lifts covered by the mandate, perform the installer's obligations under—
 - (i) regulation 9 (retention of technical documentation and EU declaration of conformity); and
 - (ii) regulation 13 (provision of information and cooperation);
- (b) in relation to safety components for lifts covered by the mandate, perform the manufacturer's obligations under—
 - (i) regulation 18 (retention of technical documentation and EU declaration of conformity); and
 - (ii) regulation 23 (provision of information and cooperation).

(3) An installer or manufacturer may not be appointed to perform the installer's or manufacturer's obligations—

- (a) in relation to lifts, under regulation 6 (design, manufacture, installation and testing in accordance with essential health and safety requirements), regulation 7 (technical documentation and conformity assessment) or regulation 8 (EU declaration of conformity and CE marking);
- (b) in relation to safety components for lifts, under regulation 15 (design and manufacture in accordance with essential health and safety requirements), regulation 16 (technical documentation and conformity assessment) or regulation 17 (EU declaration of conformity and CE marking).

(4) An authorised representative must comply with all the duties imposed on the installer or the manufacturer in relation to each obligation under these Regulations that the authorised representative is appointed by the installer or the manufacturer to perform.

(5) As far as those duties are concerned, as well as the penalties for failure to comply with those duties, references in these Regulations (except in this regulation) to the installer or to the manufacturer are to be taken as including a reference to the authorised representative.

(6) An installer or a manufacturer who has appointed an authorised representative to perform on their behalf an obligation under these Regulations remains responsible for the proper performance of that obligation.

Importers

Prohibition on placing on the market a safety component for lifts which is not in conformity with the essential health and safety requirements

25. An importer must not place a safety component for lifts on the market unless it is in conformity with the essential health and safety requirements.

Requirements which must be satisfied before an importer places a safety component for lifts on the market

26.—(1) Before placing a safety component for lifts on the market, an importer must ensure that—

- (a) a relevant conformity assessment procedure has been carried out by the manufacturer;
- (b) the manufacturer has drawn up the technical documentation;
- (c) the safety component for lifts—
 - (i) bears the CE marking; and
 - (ii) is accompanied by the EU declaration of conformity and any required labels; and
- (d) the manufacturer has complied with the requirement in regulation 19 (labelling and instructions).

(2) In paragraph 1(c)(ii), “required labels” means any labels that are required to be attached to the safety component for lifts pursuant to regulation 19(3).

Prohibition on placing on the market safety components for lifts considered not to be in conformity with the essential health and safety requirements

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

(2) Where the safety component for lifts presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk.

Information identifying importer

28.—(1) Before placing a safety component for lifts on the market, an importer must indicate on the safety component for lifts—

- (a) the name, registered trade name or registered trade mark of the importer; and
- (b) a postal address at which the importer can be contacted.

(2) The information specified in paragraph (1) must be in a language which can be easily understood by end-users and the competent national authority in the member State in which the safety component for lift is to be made available to such end-users.

(3) Where it is not possible to indicate the information specified in paragraph (1) on the safety component for lifts, the importer must indicate that information—

- (a) on the packaging; or
- (b) in a document accompanying the safety component for lifts.

Instructions

29.—(1) When placing a safety component for lifts on the market, an importer must ensure that it 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 to such end-users.

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

Storage and transport

30. Where an importer has responsibility for a safety component for lifts, the importer 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.

Monitoring of safety components for lifts made available on the market

31.—(1) When appropriate, having regard to the risks to the health and safety of end-users presented by a safety component for lifts, the importer must—

- (a) carry out sample testing of safety components for lifts made available on the market by the importer;
- (b) investigate complaints that safety components for lifts made available on the market by the importer are not in conformity with Part 2;
- (c) keep distributors and installers informed of any actions carried out under sub-paragraphs (a) and (b).

(2) An importer must keep a register and must promptly make entries in that register of any—

- (i) complaints;
- (ii) safety components for lifts that are not in conformity with Part 2; and
- (iii) safety components for lifts recalls.

(3) An importer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty to take action in respect of safety components for lifts placed on the market which are considered not to be in conformity

32.—(1) An importer who considers, or has reason to believe, that a safety component for lifts which that importer has placed on the market is not in conformity with Part 2, must immediately take the corrective measures necessary to—

- (a) bring the 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 importer must immediately inform the market surveillance authority, and the competent national authorities of any other member State in which the importer made the safety component for lifts available on the market, of the risk, giving details of—

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

Retention of technical documentation and EU declaration of conformity

33. An importer must, for a period of 10 years beginning on the day on which the safety component for lifts is placed on the market—

- (a) keep a copy of the EU declaration of conformity and, where applicable, any approval decision, at the disposal of enforcing authorities; and
- (b) ensure that the technical documentation can be made available to enforcing authorities, upon request.

Provision of information and cooperation

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

- (a) in paper or electronic form; and
- (b) in a language that can be easily understood by the enforcing authority.

(2) An importer 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); or
- (b) eliminate the risks posed by a safety component for lifts which the importer has placed on the market.

Cases in which obligations of manufacturers apply to importers

35.—(1) An economic operator who would, but for this regulation, be considered an importer (“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.

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.

All economic operators

Translation of declaration of conformity

43.—(1) Before placing a lift on the market or making a safety component for lifts available on the market, an economic operator must ensure that the EU declaration of conformity is prepared in, or translated into, the language required by the member State in which the lift is to be placed on the market or the safety component for lifts is to be made available on the market.

(2) Where the lift is to be placed on the market or the safety component for lifts is to be made available on the market in the United Kingdom, the language required is English.

Identification of economic operators

44.—(1) An economic operator (“E”), who receives a request in relation to a safety component for lifts from the market surveillance authority before the end of the relevant period, must, within such period as the authority may specify, identify to the authority—

- (a) any other economic operator who has supplied E with the safety component for lifts; and
- (b) any other economic operator to whom E has supplied the safety component for lifts.

(2) The relevant period is—

- (a) for the information in paragraph (1)(a), a period of 10 years beginning on the day on which E was supplied with the safety component for lifts;
- (b) for the information in paragraph (1)(b), a period of 10 years beginning on the day on which E supplied the safety component for lifts.

Prohibition on improper use of CE marking

45.—(1) An economic operator must not affix the CE marking to a lift or a safety component for lifts unless—

- (a) that economic operator is the installer or the manufacturer; and
 - (b) the conformity of the lift or the safety component for lifts with the essential health and safety requirements has been demonstrated by a relevant conformity assessment procedure.
- (2) An economic operator must not affix a marking to a lift or a safety component for lifts (other than the CE marking) which purports to attest that the lift or the safety component for lifts is in conformity with the essential health and safety requirements.
- (3) An economic operator must not affix to a lift or a safety component for lifts a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking.
- (4) An economic operator must not affix to a lift or a safety component for lifts any other marking if the visibility, legibility and meaning of the CE marking would be impaired as a result.