

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 638 final-SYN 234

Brussels, 20 December 1989

Proposal for a

COUNCIL DIRECTIVE

amending Directive 84/529/EEC on the  
approximation of the laws of the Member States  
relating to electrically operated lifts

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(presented by the Commission)

EXPLANATORY MEMORANDUM

I. GENERAL

1. Subject

This proposal for a Directive is to modify Council Directive 84/529/EEC 1) on the approximation of the laws of the Member States relating to electrically operated lifts, last amended by Commission Directive 86/312/EEC 2) of 18 June 1986, with a view to including in the scope lifts which are operated hydraulically or electro-hydraulically.

In effect, Directives 84/529/EEC and 86/312/EEC rely completely on European Standard EN 81 part 1 relating exclusively to electrically operated lifts, which was the only one existing at that time. In 1987 the European Committee for Standardization (CEN) published the second part of standard EN 81 relating to hydraulic and electro-hydraulic lifts. Logically this should be taken into account in the same manner as was standard EN 81 part 1.

2. Economic and social impact

In the market for lifts the economic impact of this proposal for a Directive is very significant. Currently hydraulic lifts account for about 40 % of the total market for lifts.

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1) OJ No L 300 of 19.11.1984 p. 86.

2) OJ No L 196 of 18.07.1984

Before beginning the procedure for the proposal for amendment, the Commission carried out an inquiry which confirmed the existence of significant differences among Member States, particularly as regards administrative procedures on inspections and authorisations for placing on the market.

The effect of this situation is to reduce the market share of hydraulic lifts in the total lift market. In fact, in the absence of technical constraints, manufacturers and customers tend to choose electric lifts to avoid diversifying their productions and administrative harassment.

Obviously, it is complicated to assess the significance of these transfers from one technology to the other. It certainly succeeded in weakening the position of Community based hydraulic lifts manufacturers with respect to their competitors based outside the European Community.

If the European institutions were to await the coming into force of the new approach directives, particularly the directive concerning the approximation of the laws of the Member States relating to lifting appliances for persons, currently in preparation, they would maintain the present discrimination for several years, which could have catastrophic consequences on this technology, without good reason.

Allowing this technology to remain and develop will result in maintaining employment.

It should be noted that the safety level obtained by the proposal to amend directive 84/529/EEC is the same for hydraulic lifts as the existing level for electric lifts currently allowed in all the Member States.

3. Consultation with the parties concerned

The proposal to amend Directive 84/529/EEC has been brought forward at the request of technical committee TC 10 of the European Committee for Standardization, in which the manufacturers from the European Federation of Handling Industries (FEM), the inspection bodies of the European Confederation of Inspection Organisations (CEOC) and the representatives of professional organisations concerned with construction of buildings are all participants.

II THE PROPOSAL FOR A DIRECTIVE

1. Field of application

The content of the directive essentially concerns the extension of the field of application by amendment of the first Article of Directive 84/529/EEC and addition to the annex of a reference to part 2 of the standard EN 81.

2. Schedule for implementation

Given the urgency of the industry's problem, and the simplicity of the text, the schedule given to Member States for the transposition into national law has been reduced to three months. The coming into force shall be at the latest at the expiry of these three months.

It is recalled that Directive 84/529/EEC is of optional application and that transposition in national legislation does not require the amendment of existing national texts.

PROPOSAL FOR A  
COUNCIL DIRECTIVE  
AMENDING DIRECTIVE 84/529/EEC  
ON THE APPROXIMATION OF THE LAWS OF THE  
MEMBER STATES RELATING TO  
ELECTRICALLY OPERATED LIFTS

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, in the Member States, the construction of hydraulically and electrohydraulically driven lifts and their inspection are the subject mandatory provisions which differ from one Member State to another and consequently impede trade, and whereas it is therefore necessary to approximate these provisions;

Whereas the regulations concerning installation, the tests carried out during inspections before putting into service, and the checks on the functioning of such equipment have an influence on their construction, and whereas these differ from one Member State to another and that consequently they should also be harmonized,

(1) OJ No

(2) OJ No

(3) OJ No

Whereas Council Directive 84/529/EEC (4); as amended by Commission Directive 86/312/EEC (5), is capable of applying, mutatis mutandis, to hydraulically or electrohydraulically operated lifts;

Whereas the standard EN 81-1 on which Directive 84/529/EEC is based, has been extended since the publication of the Directive by a second part, EN 81-2, which relates to hydraulic and oil/electric lifts;

Whereas the extension of Directive 84/529/EEC is urgent because the manufacturers are subject to significant technical barriers to Intra-Community trade which threaten to compromise the market;

Whereas the measures aimed at the gradual establishment of the internal market must be adopted by 31 December 1992; whereas the internal market consists of an area without internal frontiers within which the free movement of goods, persons, services and capital is guaranteed,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

Directive 84/529/EEC is amended as follows:

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(4) OJ No L 300, 19.11.1984, p. 86.

(5) OJ No L 196, 18.07.1986, p. 56.

1. In Article 1 (2) third indent the words "appliances actuated by fluids (such as oil or hydraulic lifts)" are deleted.
2. Annex 1, point 1 is replaced by the following:

"1. The appliances referred to in Article 1 (1) must, with the exception of the sections referred to in point 2, comply with the following standards adopted by the European Committee for Standardization (CEN):

  - EN 81-1 (edition: December 1985). Safety rules for the construction and installation of lifts and service lifts.  
Part 1: Electric lifts.
  - EN 81-2 (edition: November 1987). Safety rules for the construction and installation of lifts and service lifts.  
Part 2: Hydraulic lifts."
3. In Annex 1, point 2, the introductory words and the heading of point 2.1 are replaced by the following:

"2. These standards shall apply subject to the following modifications:

2.1. Section 12.4.2.1 (applies only for standard EN 81.1 - edition: December 1985)"

The remainder of the text of Annex 1, point 2 is unchanged.

## Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary in order to comply with this Directive within three months of the date of its notification. They shall forthwith inform the Commission thereof.

The provisions adopted pursuant to the first subparagraph shall make express reference to this Directive.

2. Member States shall ensure that the texts of the provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

### Article 3

This Directive is addressed to the Member States.

Done at Brussels

For the Council

The President



FICHE FINANCIERE

relative à la proposition de modification de la directive du Conseil 84/529/CEE concernant le rapprochement des législations des Etats membres relatives aux ascenseurs mis électriquement.

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La proposition de modification de la directive 84/529/CEE s'appuyant sur une norme existante, il n'y a pas lieu de prévoir un mandat au CEN/CENELEC.

La gestion de la modification de la directive n'introduira aucune charge supplémentaire pour les services de la Commission.

L'incidence financière de l'action sur les crédits d'intervention, sur les crédits de personnel et les crédits de fonctionnement est donc nulle.

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FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

I Quelle est la justification principale de la mesure ?

La fabrication des ascenseurs représente une part importante du marché du bâtiment. La fabrication des ascenseurs hydrauliques représente à elle seule 40 % du marché total des ascenseurs.

Or, dans les divers Etats membres, les législations nationales dans ce domaine divergent en matière de certification. Si, dans le secteur des ascenseurs électriques, la directive optionnelle 84/529/CEE a permis aux fabricants de standardiser leurs fabrications, notamment pour les composants soumis à examen de type, rien n'a été fait pour les ascenseurs hydrauliques.

La présente proposition de modification de la directive 84/529/CEE vise à assurer la libre mise sur le marché ainsi que la mise en service des ascenseurs hydrauliques dans les mêmes conditions que pour les ascenseurs électriques.

II Caractéristiques des entreprises concernées.

Dans les vingt dernières années, les regroupements de sociétés ont entraîné la disparition presque totale des petites entreprises. Aussi bien pour la fabrication des composants que pour l'ingénierie et l'installation, les sociétés concernées sont d'importance moyenne ou grande et travaillent sur des marchés élargis au moins à l'échelle européenne.

Note-t-on des concentrations dans des régions

- éligibles aux aides régionales des E.M. ? NON
- éligibles au FEDER ? NON

III Quelles sont les obligations imposées aux entreprises ?

La directive 84/529/CEE est d'application optionnelle. Elle n'impose pas, à strictement parler, d'obligations nouvelles aux entreprises. Celles-ci peuvent continuer à fabriquer les ascenseurs hydrauliques comme par le passé. Toutefois, les entreprises qui choisiraient de fabriquer conformément à la directive 84/529/CEE devraient appliquer les prescriptions de la norme EN 81-2.

IV Y-a-t-il des mesures spéciales pour les PME ?

NON

V Quel est l'effet prévisible ?

- Sur la compétitivité des entreprises ?

Dans la plupart des Etats membres, les composants de sécurité utilisés dans un ascenseur doivent avoir subi un examen de type dans l'Etat membre. L'application de la directive 84/529/CEE modifiée permettra d'effectuer pour ces composants un seul examen CE de type valable dans tous les Etats membres.

Par ailleurs, les formalités de réception, et les dossiers nécessaires à ces réceptions, seront les mêmes dans tous les Etats membres.

Ceci devrait entraîner une réduction du coût à la mise en service des ascenseurs hydrauliques et leur restituer leur compétitivité avec les ascenseurs électriques.

- Sur l'emploi ?

Le retour à la compétitivité du secteur permettra dans un premier temps le maintien de l'emploi. Le développement de nouveaux emplois est lié au développement global de la construction d'immeubles.

VI Les partenaires sociaux ont-ils été consultés ?

La proposition de modification de la directive 84/529/CEE est faite à la demande du comité technique TC 10 du Comité européen de Normalisation dans lequel on trouve les fabricants de la Fédération européenne de Manutention (FEM), les organismes de contrôle de la Confédération Européenne des Organismes de Contrôle (CEOC) et des représentants des organisations professionnelles de la construction d'immeubles.

Toutes ces parties attendent avec impatience la modification de la directive 84/529/CEE.

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