

Lifts Directive - 95/16/EC

How is a lift defined in the Directive?

Could you kindly explain the implications of this definition of Lift?

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What conformity assessments procedures are possible for lifts?

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How is a lift defined in the Directive?

“For the purposes of this Directive, 'lift' shall mean an appliance serving specific levels, having a car moving along guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal and intended for the transport of:

- persons,*
- persons and goods,*
- goods alone if the car is accessible, that is to say, a person may enter it without difficulty, and fitted with controls situated inside the car or within reach of a person inside. Lifts moving along a fixed course even where they do not move along guides which are rigid shall fall within the scope of this Directive (for example, scissor lifts).”*



It is useful to examine the different elements of the definition of “lift” given in Article 1(2) in order to clarify the scope of the Directive:

Could you kindly explain the implications of this definition of Lift?

Let us explain the various implications of this definition:

- serving specific levels

A lift is defined as an appliance “*serving specific levels*”. This means that a lift moves between fixed, pre-determined levels of the building or construction (landings) where persons can enter or leave the car. Lifting appliances designed for access to positions at a height but which are not designed to transport persons to and from pre-determined levels or landings are not in the scope of the Lifts Directive.

- having a car

A lift is defined as an appliance “*having a car*”. The term “car” is not defined in the Lifts Directive. It is generally understood that a car is a carrier that supports and protects the persons or persons and goods being transported by the lift. Section 3.1 of Annex I to the Lifts Directive requires that lift cars must be completely enclosed in order to protect

against hazards to persons in the car, however, it should be noted that this is an essential health and safety requirement for lifts and not part of the definition of a lift.

- moving along guides which are rigid

In general, lifts subject to the Lifts Directive have cars “*moving along guides which are rigid*” in a physical sense. However the last sentence of Article 1.2 includes lifts guided by other means which, while they move along a fixed course, do not have rigid guides in the physical sense.

- inclined at an angle of more than 15 degrees to the horizontal

The Lifts Directive applies to lifts with guides “*inclined at an angle of more than 15 degrees to the horizontal*”. The Lifts Directive thus includes inclined lifts such as those installed alongside an escalator. Inclined lifts subject to the Lifts Directive are installations serving buildings or constructions, which distinguishes them from cableways which are excluded from the scope of the Lifts Directive. Installations for transporting persons at an angle of less than 15° to the horizontal are not considered lifts in the sense of the Lifts Directive and are therefore subject to the Machinery Directive.

- intended for the transport of persons, persons and goods or goods alone if the car is accessible and fitted with controls inside the car or within reach of a person inside

The Lifts Directive thus applies to:

- lifts intended for the transport persons only;
- lifts intended for the transport of persons and goods;
- lifts intended for the transport of goods and accompanying persons;
- lifts intended for the transport of goods only, if the car is accessible to persons and if the controls of the lift are inside the car or can be reached from within the car.



On the other hand:

- lifts intended for the transport of goods only with a car that is inaccessible to persons and
- lifts intended for the transport of goods with a car that is accessible to persons for the purpose of loading and unloading goods but with controls that are outside the car and cannot be reached from within the car,

are in the scope of the Machinery Directive.

Work platforms used for access to positions at a height that are not designed to transport persons from one level to another are not in the scope of the Lifts Directive. Such work platforms are covered by the Machinery Directive.

Are there any lifts which are exempted from the scope of the directive, even though they fall within the lifts definition?

Yes, there are a few exceptions listed in the lifts directive. Furthermore the exemptions have been updated by the amendment brought about by the Machinery Directive to **exclude the following** from its scope:

- *“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.”*

What conformity assessments procedures are possible for lifts?

“Before being placed on the market, a lift must have undergone one of the following procedures:

(i) either, if it was designed in accordance with a lift having undergone an EC type examination as referred to in Annex V, it shall be constructed, installed and tested by implementing:

- *the final inspection referred to in Annex VI, or*
- *the quality assurance system referred to in Annex XII, or*
- *the quality assurance system referred to in Annex XIV.*

The procedures for the design and construction stages, on the one hand, and the installation and testing stages, on the other, may be carried out on the same lift;

(ii) or, if it was designed in accordance with a model lift having undergone an EC type examination as referred to in Annex V, it shall be constructed, installed and tested by implementing;

- *the final inspection referred to in Annex VI, or*
- *the quality assurance system referred to in Annex XII, or*
- *the quality assurance system referred to in Annex XIV*

(iii) or, if it was designed in accordance with a lift for which a quality assurance system pursuant to Annex XIII was implemented, supplemented by an examination of the design if the latter is not wholly in accordance with the harmonised standards, it shall be installed and constructed and tested by implementing, in addition:

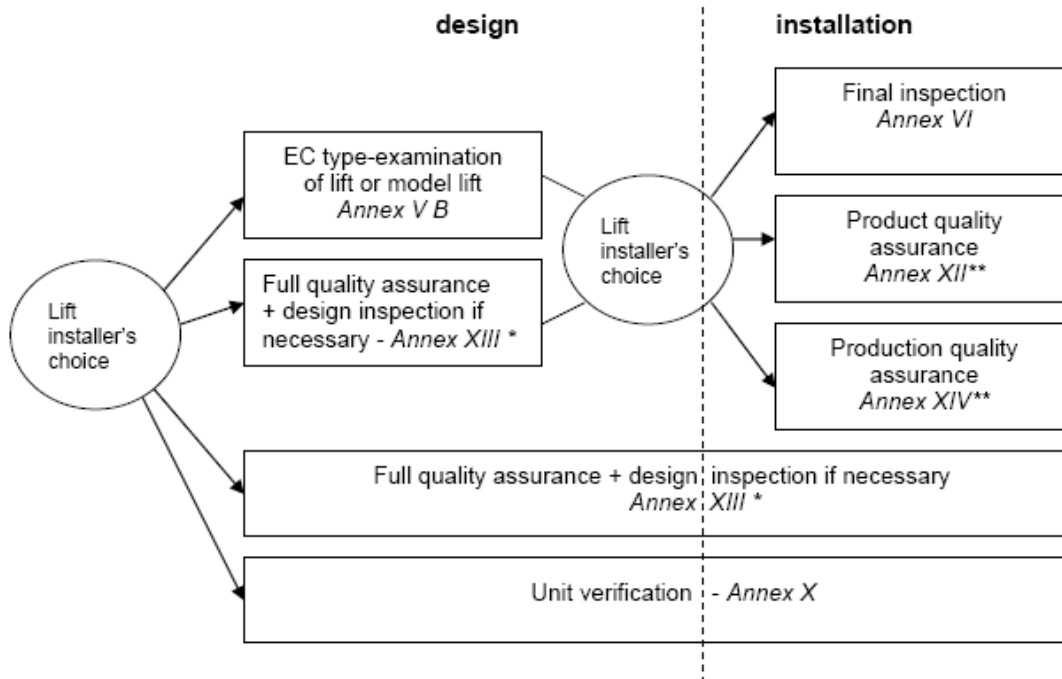
- *the final inspection referred to in Annex VI, or*
- *the quality assurance system referred to in Annex XII, or*
- *the quality assurance system in accordance with Annex XIV;*

(iv) or having undergone the unit verification procedure, referred to in Annex X, by a Notified Body;

(v) or, having been subject to the quality assurance system in accordance with Annex XIII, supplemented by an examination of the design if the latter is not wholly in accordance with the harmonised standards

In the cases referred to in (i), (ii) and (iii) above, the person responsible for the design must supply to the person responsible for the construction, installation and testing all necessary documents and information for the latter to be able to operate in absolute security.”

The diagram below graphically shows the possible conformity assessment procedures:



Must lifts display the CE mark?

Yes.

“The CE-marking shall be affixed to every lift car distinctly and visibly in accordance with Section 5 of Annex I and shall be affixed on each of the safety components listed in Annex IV or, where that is not possible, on a label inseparably attached to the safety component.”

Consequently, for lifts, the CE-marking must be affixed legibly and indelibly in the lift car on the same plate as the marking of the name and address of the installer, the designation of series or type, the serial number and the year of construction. This makes it possible to distinguish the CE-marking relating to the conformity of the lift itself from the CE-marking affixed to safety components incorporated in the lift.



Is a lift also subject to the Construction Products Directive?

Since Lifts correspond to the definition of a “*construction product*” given in Article 1(2) of the Construction Products Directive, (that is: “*any product which is produced for*

incorporation in a permanent manner in construction works, including both buildings and civil engineering works.”) then in theory lifts should also be subject to the CPD.

However, Article 2(3) of the Construction Products Directive states:

“When a future directive concerns mainly other aspects and only to a minor extent the essential requirements of this Directive, that subsequent directive shall contain provisions ensuring that it also covers the requirements of this Directive.”

The purpose of this provision is to limit the number of Directives applying to the same product. Article 14 of the Lifts Directive identifies Directive 95/16/EC as a “*subsequent directive*” in the sense of Article 2(3) of the Construction Products Directive. Recital 10 to the Lifts Directive indicates that the Directive is designed to cover all risks caused by lifts and run by their users and by the occupants of the construction. This implies that the essential requirements of the Lifts Directive should cover all the relevant requirements of the Construction Products Directive.

I have a lift which has a reduced pit/headroom, can I obtain a CE mark?

Headroom



The problem with this type of lift is that they are not conform to the essential requirement

2.1 and 2.2 of the Lifts Directive but require a special derogation.

“2.1. The lift must be designed and constructed to ensure that the space in which the car travels is inaccessible except for maintenance or in emergencies. Before a person enters that space, normal use of the lift must be made impossible.

2.2. The lift must be designed and constructed to prevent the risk of crushing when the car is in one of its extreme positions.

The objective will be achieved by means of free space or refuge beyond the extreme positions.

However, in specific cases, in affording Member States the possibility of giving prior approval, particularly in existing buildings, where this solution is impossible to fulfill, other appropriate means may be provided to avoid this risk.”

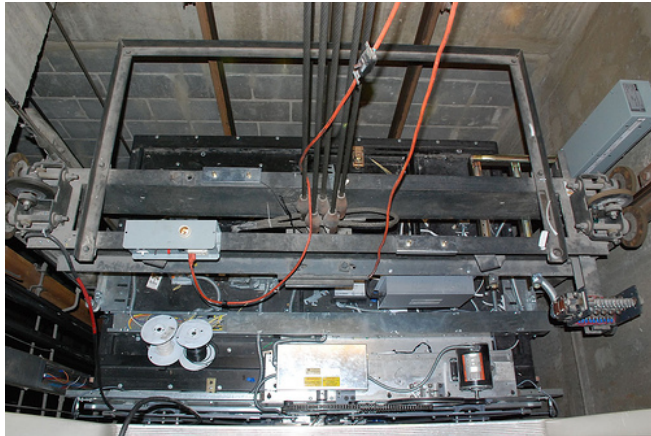
This means that all Architects, Engineers, Notified Bodies and Installers are legally obliged to seek written approval from the Consumer and Industrial Goods Directorate of the Malta Standards Authority prior to, respectively, commission, specify, certify and install any new Lift without pit/headroom space. In this **exceptional** case, an evaluation report drawn up with the corroboration of the pertinent Notified Body has to be submitted in support of the

claim in order for the Directorate to be able to assess the impossibility (or otherwise) of installing a “normal” lift with free space or refuge beyond the extreme positions.

Does the lifts directive specify inspection or maintenance regulations?

No, at least not directly. However Article 2 of the directive explicitly mentions maintenance;

*“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.”*



Furthermore, the European Commission in 1995 issued a Recommendation concerning the improvement of safety of existing lifts. The link to this recommendation is here: [Commission Recommendation 95/216/EC](#).

For these reasons, the Malta Standards Authority together with the Occupational Health and Safety Authority has published a Legal Notice regards Lift Inspection.

Relevant Legal Notices

LEGAL NOTICE 370 of 2002

<http://docs.justice.gov.mt/lom/Legislation/English/SubLeg/427/37.pdf>

Relevant Guidance documents

http://ec.europa.eu/enterprise/mechan_equipment/lifts/guidance.htm