

EVALUATION AND FITNESS CHECK (FC) ROADMAP				
TITLE OF THE EVALUATION/FC	REFIT EVALUATION OF DIRECTIVE 95/16/EC ON LIFTS			
LEAD DG RESPONSIBLE UNIT	DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SME'S  UNIT C3 ADVANCED ENGINEERING AND MANUFACTURING SYSTEM	DATE OF THIS ROADMAP	22/09/2015	
TYPE OF EVALUATION	EVALUATION, EX POST, MIXED	PLANNED START DATE	Q3 / 2015	
		PLANNED COMPLETION DATE	Q3 / 2017	
		PLANNING CALENDAR	<a href="http://ec.europa.eu/smart-regulation/evaluation/index_en.htm">http://ec.europa.eu/smart-regulation/evaluation/index_en.htm</a>	
<b>This indicative roadmap is provided for information purposes only and is subject to change.</b>				

A. Purpose
(A.1) Purpose
<p>The purpose of this evaluation is to collect evidence and analyse the functioning of the Lifts Directive 95/16/EC<sup>1</sup> and to assess whether it is fit for purpose. It will address the question to what extent the Directive met its objectives of:</p> <p>(1) guaranteeing free circulation of lifts and safety components for lifts within the EU, and</p> <p>(2) ensuring a high degree of health and safety protection for users and maintenance personnel in terms of relevance, effectiveness, efficiency, EU added value and coherence. If needed, the evaluation may highlight issues and may propose improvements.</p> <p>Depending on the conclusions, this evaluation may precede an Impact Assessment study in view of a potential revision of the Directive.</p>
(A.2) Justification
<p>Directive 95/16/EC has been aligned to the New Legislative Framework (NLF)<sup>2</sup> with Directive 2014/33/EU that will be applicable from 20 April 2016. The alignment to the NLF addressed the horizontal elements of New Approach but did not include a revision of the sector specific aspects of Directive 95/16/EC. Article 46 of the latter requires the Commission to submit a report to the Council and the European Parliament regarding the implementation and functioning of the Directive before 19 April 2018. Taking into consideration the scientific and technological progress, there is a need to evaluate its relevance in relation with the scope and the health and safety requirements of Directive 95/16/EC. This</p>

<sup>1</sup> DIRECTIVE 95/16/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 June 199 on the approximation of the laws of the Member States relating to lifts (link: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31995L0016&qid=1425658431615&from=EN>)

<sup>2</sup> New Legislative Framework for marketing of products: [http://ec.europa.eu/growth/single-market/goods/new-legislative-framework/index\\_en.htm](http://ec.europa.eu/growth/single-market/goods/new-legislative-framework/index_en.htm)

evaluation has been linked to the Regulatory Fitness and Performance Programme of the Commission (REFIT)<sup>3</sup>.

## B. Content and subject of the evaluation

### (B.1) Subject area

The Lifts Directive 95/16/EC ensures the free movement of lifts and safety components for lifts within the internal market, and provides a high level of health and safety protection for users and maintenance personnel. It is a "New Approach" Directive which establishes essential health and safety requirements for lifts and safety components for lifts placed on the EU market.

### (B.2) Original objectives of the intervention

The Lifts Directive has a dual objective: to guarantee the **free movement** (promoting internal market) of lifts and safety components for lifts within the internal market whilst ensuring that such products provide a high level of health and safety **protection**.

### (B.3) How the objectives were to be achieved

The Lifts Directive is based on Article 114 of the TFEU (formerly Article 95 of the EC Treaty). The Directive is based on the principles of the "New Approach to Technical Harmonization and Standards". In line with this approach, the design and manufacturing of lifts and safety components for lifts must comply with essential health and safety requirements laid down in the Directive. Furthermore the Directive determines the applicable conformity assessment procedures to demonstrate that the products fulfil the requirements. All installed lifts and all safety components for lifts listed in the Annex IV of this Directive are subject to conformity assessment involving a Notified Body. Lifts complying with the provisions of the Directive may be placed on the market, installed and put into service without restriction on the territory of any EU Member State.

## C. Scope of the evaluation/FC

### (C.1) Topics covered

The Lifts Directive 95/16/EC will be subject to a comprehensive evaluation. It will cover in particular the scope, the essential health and safety requirements and their links with the related conformity assessment procedure. The evaluation will cover 12 years (from 2005 to 2014) of the application of the Directive in the territory of the European Economic Area (EEA)<sup>4</sup>, which includes the 28 Member States of the EU and three EFTA countries (Iceland, Norway and Liechtenstein), Turkey within its Custom Union with the EU<sup>5</sup> and Switzerland by virtue of the mutual recognition agreement with the EU.

### (C.2) Questions/issues to be examined

#### Relevance

1. To what extent do the initial objectives of facilitating the functioning of internal market and ensuring a high level of safety for the lifts correspond to (current) needs/issues of all stakeholders?
2. How well is the Lifts Directive adapted to technological innovation and new technologies?

#### Effectiveness

3. To what extent has the Lifts Directive contributed to an effectively operating internal market for the products in its scope and to what extent has it achieved its aims with regard to the protection of health and safety of users and maintenance personnel in its scope?
4. What are the factors that influence (positively and/or negatively) the effective application and enforcement, in particular through surveillance of lifts on the market?

<sup>3</sup> [http://ec.europa.eu/atwork/pdf/cwp\\_2016\\_annex\\_ii\\_en.pdf](http://ec.europa.eu/atwork/pdf/cwp_2016_annex_ii_en.pdf)

<sup>4</sup> <http://www.efta.int/legal-texts/eea.aspx>

<sup>5</sup> [http://ec.europa.eu/taxation\\_customs/customs/customs\\_duties/rules\\_origin/customs\\_unions/article\\_414\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_duties/rules_origin/customs_unions/article_414_en.htm)

5. How effective are MSA in identifying non-compliant lifts and safety components for lifts?
6. To what extent has the conformity assessment procedure for lifts and safety components for lifts been effective and provided highest degree of health and safety protection for consumers and users?
7. How effective was the development and use of the European harmonised standards for the Lifts Directive?

#### **Efficiency**

8. What are the regulatory (including administrative) costs for stakeholders?
9. What are the main benefits for stakeholders and civil society that derive from the directive?
10. To what extent are the costs and benefits proportionate? How affordable are the regulatory/administrative costs borne by all stakeholders given the benefits they receive? What does this represents in terms of administrative and reporting burdens?
11. What are the factors influencing any particular discrepancy between MS in process of the implementation of the Lifts Directive?

#### **Coherence**

12. Are there overlaps or complementarities between the Lifts Directive and any other Community (Cableways Directive and Machinery Directive) or international legislation? To what extent are they coherent?

#### **EU added value**

13. What is the added value resulting from the Lifts Directive, compared to what could be achieved at national level? What is the added value of the Lifts Directive for stakeholders?

#### **(C.3) Other tasks**

The evaluation will be performed by an external contractor.

### **D. Evidence base**

#### **(D.1) Evidence from monitoring**

n/a

#### **(D.2) Previous evaluations and other reports**

Study on Application of the Directive 95/16/EC 2004:

<http://ec.europa.eu/DocsRoom/documents/9913/attachments/1/translations/en/renditions/native>

Study on the Technical Assessment of Means of Preventing the Crushing Risk on Lifts Subject to Directive 95/16/EC 2007:

<http://ec.europa.eu/DocsRoom/documents/9914/attachments/1/translations/en/renditions/native>

#### **(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)**

The issues related to the implementation of the Directive have been widely discussed in past years in the Lifts Working Group with the representatives of Member States, industry stakeholders, European Standardisation Organisations, conformity assessment bodies, organisations representing workers and consumers. On a regular basis questions have been raised about the clear distinction between lifts and cableways, about the responsibilities of installers and how to define this economic operator, and about the handling of safety components for lifts. There have been a very limited number of complaints about the application of the legislation – less than one per year – thus not resulting in any official infringement procedure as solutions were found for the problems encountered before reaching the infringement phase.

(D.4) Consultation
<p>Stakeholders concerned are mainly the manufacturers, importers and distributors of lifts and/or safety components for lifts, as well as the installers, administrative authorities of Member States, notified bodies, standardisation organisations and users.</p> <p>The different tools that will be used in the evaluation to reach stakeholders are:</p> <ul style="list-style-type: none"> <li>- Targeted consultations to be carried out with the authorities in Member States that are responsible for the implementation of the Lifts Directive including market surveillance authorities, representatives from Industry, European federations and SMEs within the lifts sector (e.g. ELA, ELCA, EFESME, etc.), the lifts companies, European workers and consumer associations, representatives of European Committee for Standardisation (e.g. the relevant CEN programme manager, CEN consultant, the Chairman of the Technical Committee for the lifts sector, etc), Notified Bodies that are designated to carry out conformity assessment tasks under the Lifts Directive;</li> <li>- Interviews with the representatives of all stakeholders mentioned above;</li> <li>- 12-week internet based open public consultation, to be carried out in order to ensure transparency and accountability and to give any interested party the possibility to contribute. The questionnaire will be published on the 'Your Voice in Europe' website.</li> <li>- Other tools might be proposed where deemed appropriate in the course of the evaluation study, depending on the level of information needed.</li> </ul> <p>More details about the consultation strategy will be made available on the webpage dedicated to this evaluation on the DG GROW's website on EUROPA.</p> <p>This Roadmap will be available at the following EUROPA website: <a href="http://ec.europa.eu/smart-regulation/roadmaps/index_en.htm">http://ec.europa.eu/smart-regulation/roadmaps/index_en.htm</a> and it will be open for feedback.</p>
(D.5) Further evidence to be gathered
n/a