

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 II

OBLIGATIONS OF ECONOMIC OPERATORS

Article 7

Obligations of installers

1 When placing a lift on the market, installers shall ensure that it has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements set out in Annex I.

2 Installers shall draw up the technical documentation and carry out the relevant conformity assessment procedure referred to in Article 16 or have it carried out.

Where compliance of the lift with the applicable essential health and safety requirements has been demonstrated by that procedure, the installer shall draw up an EU declaration of conformity, ensure that it accompanies the lift, and affix the CE marking.

3 The installer shall keep the technical documentation, the EU declaration of conformity and, where applicable, the approval decision(s) for 10 years after the lift has been placed on the market.

4 When deemed appropriate with regard to the risks presented by a lift, installers shall, to protect the health and safety of consumers, investigate, and, if necessary, keep a register of complaints, and of non-conforming lifts.

5 Installers shall ensure that lifts bear a type, batch or serial number or other element allowing their identification.

6 Installers shall indicate, on the lift, their name, registered trade name or registered trade mark and the postal address at which they can be contacted. The address shall indicate a single point at which the installer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

7 Installers shall ensure that the lift is accompanied by the instructions referred to in point 6.2 of Annex I, in a language which can be easily understood by end-users, as determined by the Member State in which the lift is placed on the market. Such instructions, as well as any labelling, shall be clear, understandable and intelligible.

8 Installers who consider or have reason to believe that a lift which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that lift into conformity. Furthermore, where the lift presents a risk, installers shall immediately inform the competent national authorities of the Member States in which they placed the lift on the market to that effect, giving details, in particular, of the non-conformity and of any corrective measures taken.

9 Installers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to

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demonstrate the conformity of the lift with this Directive, in a language which can be easily understood by that authority.

They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by lifts which they have placed on the market.

Article 8

Obligations of manufacturers

1 When placing their safety components for lifts on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with Article 5(2).

2 Manufacturers shall draw up the required technical documentation and carry out the relevant conformity assessment procedure referred to in Article 15 or have it carried out

Where compliance of a safety component for lifts with the applicable essential health and safety requirements has been demonstrated by that procedure, manufacturers shall draw up an EU declaration of conformity, ensure that it accompanies the safety component for lifts and affix the CE marking.

3 Manufacturers shall keep the technical documentation, the EU declaration of conformity and, where applicable, the approval decision(s) for 10 years after the safety component for lifts has been placed on the market.

4 Manufacturers shall ensure that procedures are in place for series production to remain in conformity with this Directive. Changes in product design or characteristics and changes in the harmonised standards or in other technical specifications by reference to which conformity of a safety component for lifts is declared shall be adequately taken into account.

When deemed appropriate with regard to the risks presented by a safety component for lifts, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of safety component for lifts made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming safety components for lifts and recalls of the safety components for lifts, and shall keep distributors and installers informed of any such monitoring.

5 Manufacturers shall ensure that safety components for lifts which they have placed on the market bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the safety component for lifts does not allow it, that the required information is provided on the label referred to in Article 19(1).

6 Manufacturers shall indicate on the safety component for lifts their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on the label referred to in Article 19(1). The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

7 Manufacturers shall ensure that the safety component for lifts is accompanied by the instructions referred to in point 6.1 of Annex I, in a language which can be easily understood by end-users, as determined by the Member State concerned. Such instructions, as well as any labelling, shall be clear, understandable and intelligible.

8 Manufacturers who consider or have reason to believe that a safety component for lifts which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that safety component for lifts into conformity,

to withdraw it or recall it, if appropriate. Furthermore, where the safety component for lifts presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the safety components for lifts available on the market to that effect, giving details, in particular, of the non-conformity and of any corrective measures taken.

9 Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of the safety components for lifts with this Directive, in a language which can be easily understood by that authority.

They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by safety components for lifts which they have placed on the market.

Article 9

Authorised representatives

1 A manufacturer or an installer may, by a written mandate, appoint an authorised representative.

The obligations laid down in Article 7(1) or in Article 8(1) and the obligation to draw up technical documentation referred to in Article 7(2) or in Article 8(2) shall not form part of the authorised representative's mandate.

2 An authorised representative shall perform the tasks specified in the mandate received from the manufacturer or the installer. The mandate shall allow the authorised representative to do at least the following:

- a keep the EU declaration of conformity and, where applicable, the approval decision(s) relating to the manufacturer's or the installer's quality system, and the technical documentation at the disposal of the national market surveillance authorities for 10 years after the safety component for lifts or the lift has been placed on the market;
- b further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the safety components for lifts or the lift;
- c cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by the safety component for lifts or the lift covered by the authorised representative's mandate.

Article 10

Obligations of importers

1 Importers shall place only compliant safety components for lifts on the market.

2 Before placing a safety component for lifts on the market, importers shall ensure that the appropriate conformity assessment procedure referred to in Article 15 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the safety component for lifts bears the CE marking and is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 8(5) and (6).

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Where an importer considers or has reason to believe that a safety component for lifts is not in conformity with Article 5(2), he shall not place the safety component for lifts on the market until it has been brought into conformity. Furthermore, where the safety component for lifts presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

3 Importers shall indicate on the safety component for lifts their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the safety component for lifts. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

4 Importers shall ensure that the safety component for lifts is accompanied by the instructions referred to in point 6.1 of Annex I in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

5 Importers shall ensure that, while a safety component for lifts is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the essential health and safety requirements referred to in Article 5(2).

6 When deemed appropriate with regard to the risks presented by a safety component for lifts, importers shall, to protect the health and safety of consumers, carry out sample testing of safety components for lifts made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming safety components for lifts and recalls of safety components for lifts, and shall keep distributors and installers informed of any such monitoring.

7 Importers who consider or have reason to believe that a safety component for lifts which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that safety component for lifts into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the safety component for lifts presents a risk, importers shall immediately inform the competent national authorities of the Member States in which they made the safety component for lifts available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

8 Importers shall, for 10 years after the safety component for lifts has been placed on the market, keep a copy of the EU declaration of conformity and, where applicable, of the approval decision(s) at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.

9 Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of a safety component for lifts in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by safety components for lifts which they have placed on the market.

Article 11

Obligations of distributors

1 When making a safety component for lifts available on the market distributors shall act with due care in relation to the requirements of this Directive.

2 Before making a safety component for lifts available on the market, distributors shall verify that the safety component for lifts bears the CE marking, that it is accompanied by the

EU declaration of conformity, by the required documents and by the instructions referred to in point 6.1 of Annex I, in a language which can be easily understood by end-users, as determined by the Member State concerned and that the manufacturer and the importer have complied with the requirements set out in Article 8(5) and (6) and Article 10(3), respectively.

Where a distributor considers or has reason to believe that a safety component for lifts is not in conformity with Article 5(2), he shall not make the safety component for lifts available on the market until it has been brought into conformity. Furthermore, where the safety component for lifts presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.

3 Distributors shall ensure that, while a safety component for lifts is under their responsibility, its storage or transport conditions do not jeopardise its compliance with Article 5(2).

4 Distributors who consider or have reason to believe that a safety component for lifts which they have made available on the market is not in conformity with this Directive shall make sure that the corrective measures necessary to bring that safety component for lifts into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the safety component for lifts presents a risk, distributors shall immediately inform the competent national authorities of the Member States in which they made the safety component for lifts available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

5 Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of a safety component for lifts. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by safety components for lifts which they have made available on the market.

Article 12

Cases in which the obligations of manufacturers apply to importers or distributors

An importer or distributor shall be considered a manufacturer for the purposes of this Directive and he shall be subject to the obligations of the manufacturer under Article 8, where he places a safety component for lifts on the market under his name or trade mark or modifies a safety component for lifts already placed on the market in such a way that compliance with this Directive may be affected.

Article 13

Identification of economic operators

Economic operators shall, on request, identify the following to the market surveillance authorities:

- (a) any economic operator who has supplied them with a safety component for lifts;
- (b) any economic operator to whom they have supplied a safety component for lifts.

Economic operators shall be able to present the information referred to in the first paragraph for 10 years after they have been supplied with a safety component for lifts and for 10 years after they have supplied a safety component for lifts.