STATUTORY INSTRUMENTS

# 2016 No. 1093

# The Lifts Regulations 2016

## PART 2

### Obligations of economic operators

#### 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.