

THE KINGDOM OF BELGIUM

**Federal Public Department of Employment,
Work and Social Security**

**Federal Public Department of the Economy,
Small & Medium Sized Enterprises,
Average Sized Businesses and Energy**

**Federal Public Department of Consumer
Protection Programmes**

Royal decree governing the safety of lifts

ALBERT II, the King of Belgium,

Greetings to all those, present and to come.

Given the law of February 9th 1994 relating to consumer safety, in particular article 4, §1, replaced by the law of December 18th 2002;

Given the law of August 4th 1996 relating to the well-being of workers in performing their work, in particular article 4;

Given the recommendation of the European Commission 95/216/CE of June 8th 1995 governing improvement of the safety of existing lifts;

Given the general regulations for the protection of employment, approved by the decrees of the Regent of February 11th 1946 and September 27th 1947, in particular articles 270 and 271, replaced by the royal decree of September 2nd 1983 and modified by the royal decree of December 12th 1984;

Given the advice of the Consumer Safety Commission, issued on November 20th 2001;

Given the advice of the Executive Council for prevention of accidents and protection at work, issued on October 25th 2002;

Given the advice n° 32.805/1 from the Council of State, issued on March 21st 2002;

On the proposal of our Minister of Employment and our Minister for Consumer Protection,

We have and do decree:

Chapter I - Definitions

Article 1. For the application of this decree, the following terms mean:

1° The law: the law of February 9th 1994 relating to consumer safety;

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- 2° lift: a piece of equipment that serves pre-defined floors in a building or a construction with a car that moves along a fixed spatial course and whose tilt from the horizontal is greater than 15 degrees, designed to transport “people” or “people and objects”;
- 3° maintenance company: a natural person or legal entity specialising in the maintenance of lifts;
- 4° certified maintenance company: a maintenance company that has been certified according to standards from the EN ISO 9001(2000) range for “lift maintenance” activities, by a certification organisation, which is notified in performance of articles 31 and 32 of the royal decree of August 10th 1998, implementing performance of the directive from the European Parliament and the Council of the European Union of June 29th 1995 governing the reconciliation of legislation in member states relating to lifts;
- 5° SECT: a service that is recognised as an external service for technical inspections in the place where lifts are operating, in performance of the royal decree of April 29th 1999 relating to the approval of external services for technical inspection in the work place;
- 6° Modernisation: modifications to the lift aimed at improving the level of safety;
- 7° Modernisation company: a natural person or legal entity specialising in the modernisation of lifts;
- 8° owner: any natural person or legal entity that owns a lift;
- 9° manager: the owner or the person who makes the lift available to users, on behalf of the owner;
- 10° commissioning: the first time the lift is made available;
- 11° examination: an evaluation of the lift’s level of safety;
- 12° preventive maintenance: all of the periodic operations needed to ensure both maintenance in good and safe working order, to anticipate and prevent foreseeable breakdowns of the lift and its components;
- 13° preventive inspection: all of the inspections and tests as described in appendix II, carried out by a SECT;

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- 14° risk analysis: an examination covering the safety aspects outlined in appendix I to determine whether sufficient preventive measures have been put in place with regard to the corresponding dangers.
- 15° The appropriate minister: the minister responsible for safety at work, where the lift is used mainly for work; in other cases, the minister responsible for consumer safety.

Chapter II – Area of application

Art. 2. This decree applies to all lifts with the exception of:

- 1° Stair-lifts specifically designed for use by people with reduced mobility;
- 2° lifts in mine shafts;
- 3° un-accompanied goods lifts.

This decree does not govern placement on the market and commissioning of new lifts.

Chapter III – General safety conditions

Art. 3. The manager shall ensure that the lift made available does not present any danger to the safety of users, when it is used as would reasonably be expected.

Art. 4. § 1. The manager shall ensure that a risk analysis for the lift is carried out by a SECT for the first time, at the latest ten years after initial commissioning of the lift, and then at intermediate periods of a maximum of ten years. Where this is a lift used mainly for work, the risk analysis will be carried out in conjunction with the internal or external prevention adviser dealing with protection at work, who has first level additional training, in accordance with the royal decree of August 10th 1978 governing the additional training required for safety, hygiene and workplace improvement department managers and their assistants.

When the risk analysis is carried out, note is not only taken of the technical characteristics of the lift, but also of the specific usage characteristics for users who use the lift every day or several times a week. Specific attention is paid to cases where one of these users is a person with reduced mobility.

It is also possible to take into account the historic value of the lift, with advice from the appropriate department as regards the protection of historic monuments and sites.

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In the cases mentioned in the second and third paragraphs, it is possible to take into account safety aspects other than those appearing in appendix I, but the same level of safety must be guaranteed.

§ 2. Following any changes to lifts, where characteristics relating to the safety of use may have been modified, the owner will ensure that an examination is carried out by a SECT before putting his lift back into service.

Chapter IV – Modernisation programme

Art. 5. § 1. On the basis of the report covering the risk analysis that has been carried out, the SECT will determine the serious risks for which immediate maintenance or repair is needed and the risks for which modernisation is required.

If major risks that require immediate maintenance or repair are found during the course of a risk analysis, use of the lift is prohibited until such a time that the necessary work has been carried out.

§ 2. The owner will have the necessary modernisation work carried out by a modernisation company.

The modernisation company will propose possible technical solutions to the owner before starting work, in order to respond to the risks that have been found, giving a price and outlining the advantages and drawbacks of the various possible solutions.

§ 3. At the latest six months after the risk analysis has been carried out, the manager will submit the plans for the modernisation work to the SECT that carried out the risk analysis.

§ 4. The manager will have the modernisation work inspected by the SECT that carried out the risk analysis. This organisation will issue a certificate of conformity. This commissioning will be carried out in accordance with the established schedule.

Chapter V - Operation

Art. 6. § 1. The manager will have the lift maintained by a maintenance company in accordance with the lift manufacturer's instructions. In the event that there are no maintenance instructions, he must arrange for preventive maintenance to be carried out at least twice a year.

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§ 2. The manager will have a preventive inspection of his lift carried out by a SECT, at the intervals outlined below:

- where preventive maintenance of the lift is carried out by a certified maintenance company, in accordance with the definitions in §1, the lift must be subjected to an annual preventive inspection, plus a six-monthly inspection of the following points, listed in appendix II: 4°e, 5°c, 5°e, 5°h and 6°;
- in other cases the lift must be subjected to a preventive inspection every three months.

§ 3. Where a serious danger, an infringement or non-performance of the schedule for modernisation work outlined in article 5, §3, is noted during a preventive inspection, the SECT will set a deadline by which the lift must be put in order.

Art. 7. The manager will create a safety file. This file will refer at least to:

- 1° risk analysis reports;
- 2° documents relating to modernisation programmes and their implementation;
- 3° records of the performance of preventive maintenance;
- 4° preventive inspection reports.

Art. 8. Where an employer uses one or more floors in a building, either totally or partially, for his professional activities, the employer will sign a commitment agreement with the manager, in order for the latter to provide a copy of each risk analysis report as well as each preventive inspection report for the lifts that are used by his employees in the performance of their work.

Chapter VI – Warnings and notices

Art. 9. Warnings and notices relating to safe use of the lift must be written in at least the language or languages of the linguistic region where the lift is situated and:

- 1° be legible and comprehensible;
- 2° be placed in a clearly visible and obvious position;
- 3° be indelible.

Art. 10. Each lift will display the following notices in a clearly visible place within the car:

- 1° the ID number and the year of construction, if known;
- 2° the nominal load;

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- 3° the maximum of people that can be carried;
- 4° the phone number for the owner or the person to be contact in the event of a problem;
- 5° the name of the SECT service;
- 6° the name of the maintenance company.

Chapter VII – Monitoring

Art. 11. The manager will make the safety file available to those people or companies outlined in article 19, §1, of the law.

Art. 12. Without prejudice to the employer's obligations under the terms of the law of April 10th 1971 relating to accidents at work and the royal decree of March 27th 1998 relating to the policy of well-being for workers in performing their work, the manager will immediately inform the administrative department outlined in article 7 of the law of any serious incidents and any serious accidents suffered by a user when using the lift.

Chapter VIII – Temporary measures

Art. 13. For lifts that were commissioned before July 1st 1999, the manager will determine in conjunction with the SECT of his choice at the latest six months after the date on which this decree comes into force, the date on which the first risk analysis will be carried out.

Art. 14. The manager will ensure that the first risk analysis of the lift is carried out at the latest within:

- 1° twelve months of the date on which this decree comes into force for lifts commissioned before January 1st 1958;
- 2° two years of the date on which this decree comes into force for lifts commissioned between January 1st 1958 and March 31st 1984;
- 3° three years of the date on which this decree comes into force for lifts commissioned between April 1st 1984 and April 1st 1996.

Chapter IX – Rescinding and final clauses

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Art. 15. Articles 270 and 271 of the general regulations governing the protection of employment, approved by the decrees of the Regent of February 11th 1946 and September 27th 1947, replaced by the royal decree of September 2nd 1983 and modified by the royal decree of December 12th 1984, are rescinded as regards lifts designed for transporting “people” or “people and objects”.

Art. 16. Our minister responsible for Employment and our minister responsible for Consumer Protection are both charged with the performance of this decree in their respective areas.

Issued in

By the King,
The Minister of Employment,

Laurette Onkelinx

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The Minister of Consumer Protection,

Josef Tavernier

APPENDIX I

Safety aspects to be taken into account when performing a risk analysis

The safety measures covered by this appendix must be implemented when the corresponding risks exist. As set out in article 4, a risk analysis must be carried out not only with regard to the technical characteristics of the lift, but also with regard to the possible historic value of the lift and its specific usage characteristics, as far as is reasonable for users of the lift (specific attention must be paid where one of the users has reduced mobility).

1° Any existing safety equipment that is not functioning correctly and any of the serious dangers outlined in article 5 must be remedied immediately.

2° The following minimum safety measures must be implemented before January 1st 2008:

- a) an electronic safety curtain or a car door (automatic closing of car doors is not compulsory except where the specific usage conditions require it) must be fitted;
- b) lighting must be fitted in the shaft, the machine room and the pit;
- c) products containing asbestos must be removed or securely covered;
- d) sufficient precision must be ensured when stopping the lift, taking into account the technical characteristics and the purpose of the lift;
- e) shafts must be modified to create gaps in the walls through which moving parts will be accessible;
- f) cars must be modified to create gaps in the walls through which moving parts will be accessible;
- g) positive locking of landing doors with automatic interruption of the electrical circuit must be ensured;
- h) car doors must be fitted with a door contact with automatic interruption of the electrical circuit;
- i) emergency lighting and a two-way communication system must be fitted in the car;
- j) sufficient ventilation of the car, in order to prevent the danger of asphyxiation in the event of becoming trapped for a long period, must be ensured.

3° The following minimum safety measures must be implemented before January 1st 2013:

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- a) for lifts whose speed is greater than 0.63 m/s: a car door must be fitted (automatic closing of car doors is not compulsory except where the specific usage conditions require it);
- b) for lifts whose speeds is below or equal to 0.63 m/s: an electronic safety curtain or a car door must be fitted (automatic closing of car doors is not compulsory except where the specific usage conditions require it). A car door is compulsory where the walls of the shaft have dangerous irregularities opposite the car opening;
- c) lights for stops must be fitted.

4° Depending on the results of the risk analysis, outlined in article 4 of this decree:

- a) The lift must be modified for users with reduced mobility where it is highly likely that this lift will be regularly used by people with reduced mobility (in this case the level of precision when stopping mentioned in point 2, d is restricted to 10 mm);
- b) protection in the shaft, the counterweight and the moving parts between different lifts must be modified;
- c) access to the shaft and the machine room must be modified;
- d) moving parts in the machine room must be modified;
- e) the unlocking system for landing doors must be modified to permit manual opening of the car door, using a special tool;
- f) protection for locks on landing doors must be fitted;
- g) in the case of manually operated landing doors, automatic car doors must be prevented from closing before the landing door is closed;
- h) the distance between the door sill and the stops must be restricted;
- i) an electronic safety contact must be fitted on the locking system;
- j) speed restrictors, parachutes and damping devices suitable for the circumstances must be fitted to ensure that any possible acceleration and deceleration does not cause any danger to users;
- k) a safety device allowing users to be released from a car must be fitted;
- l) protection must be provided against electric shocks (an equipotential connection);

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- m) modifications must be made to ensure that maintenance and inspection can be carried out in safe conditions.

To be appended to our decree of ...

By the King:

The Minister of Employment,

Laurette Onkelinx

The Minister of Consumer Protection,

Josef Tavernier

APPENDIX II

Minimum checks to be made during preventive inspections

- 1° An examination of compulsory notices:
 - a) the ID number and the year of construction;
 - b) the nominal load;
 - c) the maximum number of people that can be carried;
 - d) the details of the owner and the person to be contacted in the event of problems;
 - e) the name of the maintenance company;
 - f) the name of the SECT service;
 - g) where applicable: the EC mark.
- 2° The presence in the safety file of:
 - a) risk analysis reports;
 - b) documents relating to modernisation programmes and their implementation;
 - c) records of preventive maintenance actions;
 - d) preventive inspection reports;
 - e) an operating manual (instructions for manual and emergency controls);
 - f) maintenance instructions;
 - g) where applicable: an EC declaration of conformity.
- 3° The presence and operating condition of:
 - a) Emergency lighting and lighting in the car, the shaft, the machine room and the pulley area;
 - b) the main circuit-breaker;
 - c) emergency circuit-breakers;
 - d) end-stops;
 - e) speed restrictors;
 - f) the parachute;
 - g) a device combating uncontrolled ascending movements;
 - h) surge protection.
- 4° The presence and general condition of:
 - a) access and modes of access;
 - b) the presence of foreign objects;
 - c) sections of the electrical system such as cables, fuses and sockets;
 - d) guides, framework and other components (connections and anchorings);
 - e) brakes and brake linings;
 - f) lift machinery;
 - g) ventilation (machine room, shafts and car);

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- h) control equipment in the car;
 - i) a foot protection plate beneath the car.
- 5° A technical inspection of the shaft and the car:
- a) The style and type of shaft walls;
 - b) the car and car fittings, checks on the dimensions;
 - c) the cradle and suspension for the car and the counterweight;
 - d) the guide runner for the car and the counterweight;
 - e) the cables, sling and chains: number, connections at the ends, voltage, condition, bending factor;
 - f) flexible electric cables beneath the car;
 - g) inspection of landing doors, the car door and shaft access doors;
 - h) door locking and contacts;
 - i) the emergency trap door;
 - j) the safety device at the base of the pit: an emergency stop, speed restrictor;
 - k) the control equipment for inspection on the roof of the car;
 - l) the emergency communication device in the car, in the pit and on the roof of the car;
 - m) wheels and pulleys: dimensions, bending factor, fixings;
 - n) the roof of the car: general condition, stability, controls, etc.;
 - o) the pit: access, safety area, general condition, operation of the damping equipment, foreign objects;
 - p) the play between the car and the counterweight and the walls of the car;
 - q) protection for the counterweight.
- 6° A report containing the following comments:
- a) identification of the owner and/or the manager;
 - b) identification of the examining body/person;
 - c) the place of examination;
 - d) the date of examination;
 - e) make, type, ID number and year of construction of the lift, if known;
 - f) the characteristics of the lift: nominal load, nominal speed and number of stops;
 - g) any certificates issued;
 - h) a description of the checks carried out and the tests performed;
 - i) comments on established failings and/or infringements;
 - j) conclusions and advice.

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To be appended to our decree of ...

By the King:

The Minister of Employment,

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