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MINIS^T
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MINISTRY
OF SCIENCE
AND
TECHNOLOGY

SECRETARY OF STATE FOR SCIENCE AND
TECHNOLOGY POLICY

DIRECTORATE-GENERAL FOR TECHNOLOGY POLICY

Draft Royal Decree laying down specifications to improve the safety of existing lifts and measures supplementing Royal Decree No 1314/1997 of 1 August 1997, laying down provisions for the implementation of European Parliament and Council Directive 95/16/EC on lifts.

Draft Royal Decree laying down specifications to improve the safety of existing lifts and measures supplementing Royal Decree No 1314/1997 of 1 August 1997, laying down provisions for the implementation of European Parliament and Council Directive 95/16/EC on lifts.

In addition to laying down provisions transposing Directive 95/16/EC on lifts, Royal Decree No 1314/1997 of 1 August 1997 stipulated in its first additional provision that lifts commissioned prior to the entry into force thereof would continue to be governed by the specifications of the Regulation previously applicable to them.

The sole derogatory provision of the aforementioned Royal Decree derogated from the Regulation on lifts and maintenance apparatus and its supplementary technical instruction (Spanish abbreviation ITC) MIE-AEM 1, with regard to the areas regulated thereby, with the exception of all provisions relating to the upkeep of the apparatus and periodic inspections thereof.

The removal of the concept of installer, which was replaced by a different concept in the Directive, led to uncertainty with regard to the professional body that must carry out the important alterations stipulated in the ITC.

Furthermore, the concept of "modification" of lifts is not defined. Where existing lifts are substantially modified, with changes affecting the majority of their constituent parts, this definition makes it possible to determine when this is in fact a new installation, and when it can still be considered a modification of the existing installation, in order to make it clear which provisions apply.

Lastly, the Commission Recommendation of 8 June 1995 concerning improvement of safety of existing lifts urged the Member States to improve the safety of said lifts to a relatively high level that would be uniform throughout the European Union, by means of a series of concrete measures. Given that the initial level varies in the different Member States and also from one Autonomous Community to another, it would be inappropriate for Spain to adopt all the measures proposed by the Recommendation, and, at the same time, it would be useful to adopt other, additional measures.

The measures contained in this Royal Decree are therefore intended to supplement the specifications of Royal Decree 1314/1997 concerning the upkeep of lifts previously in existence, in accordance with ITC MIE-AEM 1; to define the boundary between legislations; and lastly to improve the technical conditions of existing lifts in order to achieve a uniform, minimum level of safety, in accordance with technical and social demands.

The various sectors concerned and the public administrations have participated in drawing up the Draft, both within the context of the Lift Assessment Committee and in hearings, as laid down in Article 24(1) of Government Law No 50/1997 of 27 November 1997.

The draft version of this Royal Decree was notified to the European Commission and the other Member States pursuant to the provisions of Royal Decree No 1337/1999 of 31 July 1999 laying down the procedure for the provision of information in the field of technical standards and regulations and rules and regulations relating to information society services.

This Royal Decree is laid down within the framework of Article 149(1)(13) of the Spanish Constitution, which grants the State exclusive competence with regard to the bases and coordination of general planning of the economy.

By virtue of this, at the proposal of the Minister for Science and Technology, in accordance with the Council of State, following consideration by the Council of Ministers at its meeting of 2000,

I HEREBY DECREE:

Article 1. Improved safety of existing lifts.

1. Lifts commissioned prior to the obligation to fulfil the requirements of Royal Decree No 1314/1997 of 1 August 1997 must comply with the technical conditions of the legislation in force at the time of their authorisation, as well as those stipulated in the Annex to this Royal Decree.

2. The adoption of the measures contained in the Annex shall take place:

a) Measures 1 to 11:

Within a maximum period of one year from the time at which an authorised control body carried out the corresponding regulatory periodic inspection. This inspection shall comprise recording the safety measures, among those cited in the Annex, that must be fulfilled by the lift being inspected and the deadline for compliance.

The Autonomous Communities may lay down earlier deadlines.

b) Measures 12 to 16:

Where applicable.

3. In case of objective conditions preventing the implementation of the measures laid down in the Annex, the owner of the lift must request exemption from the competent body of the Autonomous Community. This request shall be accompanied by proof of impossibility as referred to above, in addition to alternative, equivalent safety measures. The competent body of the Autonomous Community shall take a decision with regard to the request, to which end it may require the prior submission of a favourable report from an authorised control body.

Article 2. Significant modifications to existing lifts.

1. The significant modifications referred to in point 16(1)(4) of the Supplementary Technical Instruction MIE-AEM 1 of the Regulation of Lifts and Maintenance Apparatus, adopted by Order of 23 September 1987 and amended by Order of 12 September 1991 shall be carried out in accordance with the provisions of sections 16(1)(4), 16(1)(4)(1) and Annex E-2 to the said Instruction and shall be carried out, without prejudice to decisions made by the Autonomous Community, by storage Companies whose staff must include, as a minimum, the following full-time employees:

- a qualified technician, senior engineer or technical engineer, as technical manager;
- 5 qualified operators, three of whom at least have officially-qualified status or equivalent.

2. The exchange of any one component for another different component, whether important or otherwise, shall not require other components to be changed unless this is necessary.

Article 3. Concept of complete replacement and modification of lifts.

In order to define the criteria laid down by the applicable legislation, where changes are made to lifts already in existence prior to the entry into force of Royal Decree No 1314/1997, the following shall be understood:

1. Provided that the guides within the lift are kept, the lift shall be considered partially modified, and shall therefore be governed by the legislation previously applicable to it.

2. When the guides within the lift are changed, unless this simply involves replacing non-T-shaped guides with T-shaped guides, the apparatus shall be understood to have been completely replaced, and the specifications of Royal Decree No 1314/1997 shall apply.

Sole Additional Provision. Amendment of the first additional provision of Royal Decree No 1314/1997.

The first additional provision of Royal Decree No 1314/1997 is amended as follows:

1. The word "technical" in the first paragraph is replaced by the word "regulatory";
2. The word "specifications" in the second paragraph is replaced by the phrase "technical specifications laid down in Directive 95/16/EC".

First final provision. Normative entitlement.

This Royal Decree is laid down within the framework of Article 149(1)(13) of the Spanish Constitution, which grants the State exclusive competence with regard to the bases and coordination of general planning of the economy.

Second final provision. Entry into force.

This Royal Decree shall enter into force within a period of one month from the date of its publication in the Spanish Official Gazette.

Done at Madrid on 2002.

JUAN CARLOS, Rex

The Minister for Science and Technology,

Anna M. Birulés i Bertran.

Safety precautions cited in Article 1

Safety measure		ITC MIE-AEM 1, Royal Decree 1314/1997 or UNE standards: Articles or sections applicable (*)	
		Electrical lifts	Hydraulic lifts
1	Install an on/off switch, a pit lighting switch and a power supply outlet for the use of maintenance staff.	5.7.3.4 UNE-EN 81-1:1999	5.7.2.5 UNE-EN 81-2:1999
2	Modify the skirt below the car threshold, such that it is as high as possible yet compatible with the depth of the well, but not exceeding 75 cm.	8.4	8.4
3	Fit doors to the cars, together with a floor level indicator that is visible inside the car itself	8.5/8.6	8.5/8.6
4	Install emergency lighting and an alarm in the car.	8.17.3 / 8.17.4	8.17.3 / 8.17.4
5	Provide protection for the suspension guide pulleys, diverters, compensating pulleys and drive pulleys.	9.7 / 12.9	9.4 / 12.11
6	Install a release safety contact for the end-of-travel cable.	9.9.11.3	9.10.2.10.3
7	Fit an on/off device that is activated when the lift fails to start or the cables slip.	10.6.2	---
8	Provide an easy means of controlling the car from the machine room if it should stop in a clearance area.	12.5.1.2	12.9.3
9	On motors powered directly from the utility supply, it must be possible to isolate the input power using two independent contactors.	12.7.1	---
10	Install an intercom system in the car allowing continuous two-way communication with a rapid call-out service in buildings occupied temporarily in the daytime (public buildings or offices), holiday homes or short-stay dwellings, or similar situations to be decided by the competent body of the Autonomous Community.	4.5 in Annex I R.D. 1314/1997	4.5 in Annex I R.D. 1314/1997
11	Install a safety rail on the ceiling of the car when the free space between edge of the ceiling and the cavity sidewall is greater than 30 cm.	8.13.3 UNE-EN 81-1:1999	8.13.3 UNE-EN 81-2:1999

Safety measure		ITC MIE-AEM 1, Royal Decree 1314/1997 or UNE standards: Articles or sections applicable (*)	
		Electrical lifts	Hydraulic lifts
12	When braking devices are replaced, all asbestos must be removed.	0.3.1 UNE-EN 81-1:1999	---
13	When the traction gear is replaced, a setting accuracy of ± 2 cm must be allowed between the car stopping level and the level of the floor.	---	---
14	When a pump is replaced in the hydraulic gear, the new equipment must incorporate a hand-operated pump to move the car upwards.	---	12.9.2
15	When the car is replaced, control units that are comprehensible to the disabled must be fitted in the car and on the landing; the car must also be equipped with an overload device.	1.2 Annex I R.D. 1314/1997 and 14.2.5 UNE-EN 81-1:1999	1.2 Annex I R.D. 1314/1997 and 14.2.5 UNE-EN 81-2:1999
16	When the drive gear is replaced at the same time as the car or hoist, a device that prevents uncontrolled upward movement must be fitted.	9.10 UNE-EN 81-1:1999	---

(*) When no standard is cited specifically, reference must be made either to ITC MIE-AEM 1, or standard UNE 58717:1989, depending on the respective indicator in the electrical lifts or hydraulic lifts column.