



Cableway installations

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I. Directive 2000/9/EC on cableway installations: (1) general overview

Directive 2000/9/EC is applicable since the 3 May 2002.

It is a total harmonisation Directive based on "New approach" principles.

Aims to ensure the free movement of **safety components** and **subsystems** which comply with the provisions of the Directive and, consequently, guarantee a high level of safety of the persons using cableways installations.

I. Directive 2000/9/EC on cableway installations: (2) Scope

The Directive applies to cableway installations designed to carry persons, meaning installations made up of several components that are designed, manufactured and put into service with the object of carrying persons.

The **cable** and the **passenger transport** objective are the essential determinants of the scope.

In addition to being carried, passengers may be towed, as in the case of drag lifts.

I. Directive 2000/9/EC on cableway installations: (2) scope

The Directive **applies** to:

a) Funicular railways and other installations with vehicles mounted on wheels or on other suspension devices where traction is provided by one or more ropes;



b) Cable cars where the cabins are lifted and/or displaced by one or more carrier cables; this category also includes gondolas and chairlifts;



c) Drag lifts where users with appropriate equipment are dragged by means of a cable.



I. Directive 2000/9/EC on cableway installations: (2) scope

Exclusions

- a) Lifts within the meaning of Directive 2014/33/EU;
- b) cable-operated tramways of traditional construction;
- c) installations for agricultural purposes;
- d) on-site or mobile equipment for use in fairgrounds and/or amusement parks designed for leisure purposes and not as a means of transporting persons;
- e) mining installations or on-site installations used for industrial purposes;
- f) Cable-operated ferries;
- g) Rack railways;
- h) Chain-driven installations.

I. Directive 2000/9/EC on cableway installations: (3) safety analysis

In order to ensure the safety of the installation a **safety analysis** has to be established for every planned installation (Article 4, Annex III).

The safety analysis is conducted at project level and makes it possible to identify the risks associated with the installation's operation and environment, which must be taken into account during design, construction and entry into service.

The safety analysis shall be the subject of a **safety report** which is intended:

- (i) to ensure that all involved in the construction of the installation recognise and accept the measures proposed for dealing with potential operating risks;
- (ii) to identify safety components and subsystems which could benefit from free movement on the EU market.



I. Directive 2000/9/EC on cableway installations: (4) installations

Installations fall under national competence.

Every Member State has to establish a procedure for the authorization of the construction of installations and of their infra-structure within its territory.

Member States must take appropriate measures to ensure that installations may not be built and enter into operation, unless it is guaranteed that the essential requirements laid down in the Directive are met.



I. Directive 2000/9/EC on cableway installations: (5) safety components

Safety components

Must comply with the essential requirements.

Must be submitted to a conformity assessment procedure laid down in Annex V carried out at the request of the manufacturer by a Notified Body.

Manufacturer or his authorized representative then affix the CE marking and draw up a EC Declaration of Conformity in accordance with Annex IV.



I. Directive 2000/9/EC on cableway installations: (5) subsystems

Subsystems

Listed in Annex I.

Must comply with the essential requirements.

Must be submitted to a EC examination by a Notified Body which should issue a EC examination certificate.

Manufacturer or his authorized representative must draw up a EC declaration of conformity in accordance with Annex VI.



I. Directive 2000/9/EC on cableway installations: (7) Market surveillance

National market surveillance authorities must:

- (i) ensure that safety components are placed on the market or brought into service comply with the provisions of national legislation transposing the Directive
- (ii) Take the necessary corrective measures proportionate to the level of risk or the non-conformity.

This may imply temporarily restrict the placing on the market of the component in question or withdraw it from the market, thereby generally initiating the safeguard clause procedure.

Member States remain responsible for the installations that operate on their territory and keep all necessary powers therefore, in particular regarding: (i) authorization, (ii) administrative control, (iii) technical regulation regarding operating, maintenance, modifications, etc.



II. Revision of the Directive - New legislative proposal

The current legislative framework has been successful.

However, experience showed some room for improvement and the directive needs to be aligned to the NLF.

Taking into account the number of changes to be made to the Cableways Directive, it should be repealed and replaced in the interests of clarity.

Proposal for a Regulation of the European Parliament and of the Council on cableway installations was adopted by the European Commission, on 27th march 2014.



II. Legislative proposal

Change the Directive into a Regulation:

Simplification: no need of 28 national transposition acts; a single text throughout the EU for all the economic operators

Legal certainty: keep total harmonisation; no change in the regulatory approach and full preservation of the characteristics of the New Approach is kept



II. Legislative proposal: Main changes

Alignment with NLF Decision 768/2008/EC on a common framework for the marketing of products, including:

- the definitions set out in chapter R1 of Decision 768/2008/EC
- the obligations of economic operators (manufacturers, importers, distributors) set out in chapter R2 of Decision 768/2008/EC
- the obligations for the notification of conformity assessment bodies set out in chapter R4 of Decision 768/2008/EC
- the modules for conformity assessment set out in Annex II of Decision 768/2008/EC



II. Legislative proposal: Main changes

Article 1 – Subject matter

Clarification and updating of the existing scope regarding the following installations:

Cableways installations intended for dual purpose (transport and leisure) are under the scope of the Regulation.

Exclusion of certain cableway installations intended for agricultural purposes is kept, but it is clarified that the exception covers installations intended for the service of mountain shelters and huts that are not intended for the transport of the public.

Current exclusion of cable-operated ferries is updated to all installations where users or their carriers are water-borne (e.g. cable operated water ski installations)

Exclusions relating to rack-and-pinion railways and chain-driven installations are not reintroduced since these installations do not correspond to the definition of cableway installations.



II. Legislative proposal: Main changes

Article 3 – Definitions

NLF general definitions.

The other existing definitions are kept and small clarifications were introduced regarding "cableways installation", "safety component", "maintainability", "cable car", "drag lifts", "funicular railway".

Article 4 and 5 – Making available on the market of subsystems and safety components and entry into service of cableway installations

Clarifications of the two concepts.



II. Legislative proposal: Main changes

Article 11 to 16 – Obligations of economic operators of subsystems and safety components

Mainly taken from NLF Decision 768/2008/EC.

Cableways manufacturers shall keep the technical documentation and the EU declaration of conformity for 30 years after the subsystem or the safety component has been placed on the market.



II. Legislative proposal: Main changes

Article 17 to 21 – Conformity of subsystems and safety components

Keeps the conformity assessment procedures for safety components but updates the corresponding modules in line with the NLF Decision 768/2008/EC.

Aligns the conformity assessment procedures for subsystems with those already used for safety components.

Keeps the requirement for a notified body intervention in the design and production phase of all subsystems and safety components.

Provides for the affixing of the CE marking on subsystems, in line with the existing system for safety components.

Annexes IV to VIII – Conformity assessment procedures for subsystems and safety components: Module B, D, F, G, H

Modules updated in line with the NLF Decision 768/2008/EC.



II. Legislative proposal: Main changes

Article 22 to 38 – Notification of conformity assessment bodies

Provisions in line with the NLF Decision 768/2008/EC.

Article 39 – Committee procedure

A Committee operating under "comitology rules" is introduced.

The Commission is empowered to adopt implementing acts requesting the notifying Member States to take the necessary corrective measures in respect of the Notified Bodies.



IV. Legislative proposal: (2) Main changes

Article 40 to 43 – Transitional and final provisions

Member States shall lay down the rules on penalties applicable to infringements by economic operators and notified them to the Commission.

Cableways Directive will be repealed and replaced by Cableway Regulation.

Transitional period: introduction of specific transitional provisions for making available on the market of subsystems or safety components and for entry into service of cableway installations in conformity with cableway Directive 2000/9/EC.

Entry into force: twentieth day following the publication ;
Applicable: **two years** after the entry into force.

Prior applicability (6 months) for notification of Notified Bodies and coordination and cooperation between notified bodies operated under sectorial groups.



Thank you for your attention!

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