

**Submissions on the Public Consultation on
Draft European Communities (Lift and Safety Components for Lifts) Regulations**

**Public Consultation from Tuesday 20 October 2015 to Friday 20 November 2015
3 submissions received**

Submission 1

Document Submitted by	Christopher Doyle
Organisation	ILEA
Email	cv@cvsdoyle.ie
Reference Number	CVSD-ec_201115
Submission Date	20 Nov 2015
Document reviewed by	John Sheeran

The ILEA has received an information note from the European Lift Association in connection with their aim to inform individual country lift associations of the new Lifts Directive legislation. We are indebted to the ELA and wish to ensure all necessary credit be properly recognised as accruing to them for this document. The Irish Lift and Escalator Association is a very recent formation with its aim to improve standards and quality across the population of equipment in service in Ireland. We do not possess the resources by which such proposed legislation may be systematically and thoroughly reviewed for purpose in an Irish context but we recognise and sincerely appreciate the opportunity to comment. We wish the HSA every success in its endeavours in bringing this onto the Irish Statute Book and wish to add that the ILEA is always available and willing to assist wherever the experience of its members might beneficially add to the goal of improving standards and compliance rates across the industry.

Yours sincerely

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Decision/Result of review
The issues addressed in this submission do not relate to the content of the draft Regulations.

Submission 2

Document Submitted by	Christopher Doyle
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Email	cv@cvsdoyle.ie
Reference Number	CVSD-nl_201115
Submission Date	20 Nov 2015
Document reviewed by	John Sheeran

Submission 2 Item 1

P7, In Citation: Consider also adding actual title of the New Lift Directive 2014/33/EU

Decision/Result of review

The HSA has considered the submission item 1 from ILEA. The actual title of the lifts directive is contained in the paragraph above citations on P7 as follows “I, Gerard Nash....for the purpose of giving effect to Directive 2014/33/EU..”. Therefore no change proposed.

Submission 2 Item 2

P8, Under the Heading “Importer” Should the definition of the text be modified as follows after the words *third country*” add:; ***i.e. a country outside the EU on the union market***

Decision/Result of review

The HSA has considered the submission item 2 from ILEA. This definition of Importer is taken directly from the Lifts Directive 2014/33/EU as published in the official journal; therefore no change proposed.

Submission 2 Item 3

P8, Under the Heading “Lift” The Definition should be rewritten in Line with the **Safety Rules for Construction & Installation EN81-1/1.1** and most notably should state that a **lift** cannot travel at more than 15 degrees to “THE VERTICAL”

Decision/Result of review

The HSA has considered the submission item 3 from ILEA. This definition of Lift is taken directly from the Lifts Directive 2014/33/EU as published in the official journal and therefore no change proposed.
The lift regulations do not in themselves require direct compliance with the requirements of EN81/1. Regulation 11 states that conformity with criteria laid down in

a harmonised standard shall be presumed to comply with the requirements set out in Schedule 1. EN81/1 is a harmonised standard and is due to become obsolete in 2017 being superseded by EN81/21.

Submission 2 Item 4

P12(3) There is inconsistency: Is the term for keeping records for 30 years too long considering that periods for keeping records in Schedules/Annexes in the same document only require records to be kept for periods of 10-15 years or similarly should all records be kept for up to 30 years.

Decision/Result of review

The HSA has considered the submission item 4 from ILEA. The HSA has also consulted the Commission on this matter. The Directive as it is written requires Economic Operators to retain records for 10 years and Notified Bodies for 15 years. Any deviations from these provisions could raise disagreements in the internal market and could cause problems for stakeholders. It has therefore been decided to stay with the document retention periods in the Directive, and the requirement in the Regulations has been changed accordingly.

Submission 2 Item 5

P 15.9 (2) (a) As above regarding 30 years

Decision/Result of review

The HSA has considered the submission item 5 from ILEA. The decision is as per item 4 submission.

Submission 2 Item 6

P47.3.1 Consider the word “mechanically” should be added before “interlocked”

Decision/Result of review

The HSA has considered the submission item 6 from ILEA. The essential health and safety requirements of the Lifts Directive 2014/33/EU do not require that Lift Car doors are fitted with mechanical interlocks.
Text of the Regulations concerning essential health and safety requirements are the same as in the Directive and thus should remain unchanged.

Submission 2 Item 7

P47.3.1 The risk to a passenger entering the lift shaft presents a danger of fall but also of crushing. Consider additional wording so that the paragraph reads as follows
The doors of the car must remain closed and mechanically interlocked if the lift stops between two levels where there is a risk of a fall or crushing between car and shaft

Decision/Result of review

The HSA has considered the submission item 7 from ILEA. The essential health and safety requirements of the Lifts Directive 2014/33/EU do not require that Lift Car doors are fitted with a mechanical interlock.

Text of the Regulations concerning essential health and safety requirements are the same as in the Directive and thus should remain unchanged.

Submission 2 Item 8

P6 There are several small typing errors that should be addressed. On the last line there is a misleading spelling error. Replace *7stem* with the word *system*.

Decision/Result of review

The HSA has considered the submission item 8 from ILEA. The HSA does not see these typos on P6.

Under Schedules, item 2;eu to be capitalized. Final grammar and spelling checks to be completed before submission to Department.

Submission 2 Item 1 RIA

RIA P3 The objectives are incorrectly stated: There is no difference or further clarification between old and proposed new directive with regard to reduced Headroom

Decision/Result of review

The HSA has considered the submission item 1 RIA from ILEA. Whilst the submission is correct in that there is no difference in reduced headroom requirement from old to new directive, the RIA just points out that the old Lift *regulations* (S.I. 246 of 2008) left legal uncertainty regarding a permissioning regime with regard to reduced headroom lift whereas the new regulations have addressed this issue.

This submission does not affect the text of the Regulations.

Submission 2 Item 2 (RIA)

P4 "Options". As above regarding reference to reduced headroom.

Decision/Result of review

The HSA has considered the submission item 2 RIA from ILEA. Whilst the submission is correct in that there is no difference in reduced headroom requirement from old to new directive, the RIA just points out that the old Lift *regulations* (S.I. 246 of 2008) left legal uncertainty regarding a permissioning regime with regard to reduced headroom lift whereas the new regulations have addressed this issue.
This submission does not affect the text of the Regulations.

Submission 3

Document Submitted by	Conor Kenny
Organisation	H&S Professional
Email	conor.kenny@yahoo.co.uk
Reference Number	CK-jh_211015
Submission Date	21 October 2015
Document reviewed by John Colreavy	

The Authority's (the HSA) grant last year was €18,428,811, down from €18,780,000 the previous year and practically a quarter less than the grant of €24,235,000 in 2008. In 2008 the Authority carried out 16,009 inspections / investigations; in 2014 the number of inspections / investigations was down to 10,719, a dramatic reduction of over 33%. The Authority is now being asked to enforce these new regulations without adequate funding. In addition to this the REGULATORY IMPACT ANALYSIS (RIA) associated with these new regulations is fundamentally flawed as the cost of enforcement are unknown - "However should the Authority come across an ATEX product which it prohibits and the economic operator becomes unavailable then it could be faced with the costs of product destruction. Because this is situation specific and the Authority has no experience in this area, it is impossible to put a cost on this." I also note that the Authority is struggling to fulfil most other areas of it's remit; for example the Construction Regulations were updated in 2013 however the authority has yet to revise & reissue their guidance material (other than that for home-owners) due to losing staff members. I therefore submit that these Regulations should not be enacted until - - the authority has an adequate, and sufficient, budget to fulfil it's current remit; and - an adequate, and sufficient, supplementary budget is provided for the enforcement of the proposed new regulations.

Yours sincerely,

Conor Kenny

Decision/Result of review

The issues addressed in this submission do not relate to the content of the draft Regulations.

Failure to comply with the transposition deadline could lead to infringement proceedings by the European Commission.