



Notification Number: 2005/226/F

Decree relating to State technical and safety inspections of mountain lifts and various installations for transporting persons

Date received : 18/05/2005
End of Standstill : 18/05/2005
Invocation of the Emergency Procedure : Yes

Message

Message 002

Communication from the Commission - SG(2005) D/51152
Directive 98/34/EC
Translation of the message 001
Notification: 2005/0226/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200501152.EN)

1. Structured Information Line

MSG 002 IND 2005 0226 F EN 19-08-2005 18-05-2005 F NOTIF 19-08-2005

2. Member State

France

3. Department Responsible

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3. Originating Department

Ministère de l'équipement, des transports, de l'aménagement du territoire, du tourisme et de la mer
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4. Notification Number

2005/0226/F - I30

5. Title

Decree relating to State technical and safety inspections of mountain lifts and various installations for transporting persons

6. Products Concerned

This notification relates only to moving walkways installed in mountain resorts for transporting skiers and pedestrians.

7. Notification Under Another Act

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8. Main Content

This notification relates to the part of the draft decree regulating the commissioning of moving walkways in mountain resorts (Title II Chapter 2). The proposed regulations state that, before the equipment is authorised to be put into service as a system for transporting persons in mountain resorts, its compliance with the technical regulations must be verified by a body approved by the Minister for Transport. The approved body must not be the manufacturer or operator of the equipment. The technical regulations are laid down by the Minister responsible for transport. The aforementioned approval will be granted on the basis of the qualifications, skills, resources and professional experience of the holders, as provided in Article 24 of the draft Decree.

In addition, once the Decree has been published, an Order by the Minister for Transport will, in application of Articles 3 and 20 of the Decree, reproduce the technical specifications drawn up provisionally by the Grenoble technical service for mountain lifts and guided transport (French abbreviation STRMTG) to avoid a repetition of the tragedy that occurred in France (see point 9). These technical standards, which were drawn up partially on the basis of European standards EN 115 on escalators and moving walkways and EN 13243 on electrical equipment other than for drive systems for mountain lifts, have been the subject of wide dialogue (see Annex: Impact assessment). In addition, the Order by the Minister for Transport will also contain a mutual recognition clause for equipment that complies with other technical specifications that are recognised as valid in other Member States of the European Economic Area and in Turkey and that provide a level of safety equivalent to that provided by the technical specifications laid down by France. That Order will be notified separately to the European Commission.

The European Commission (Enterprise Directorate General) has already stated, on 26 April, in response to an information letter from the French Minister for Transport, that it supports the French government's views on the safety of moving walkways and that it would appreciate being informed of the measures that France plans to take to incorporate this equipment in the mountain lift system. It is precisely those measures that are included in Title II, Chapter 2, of the Decree to which this notification relates and in its future implementing order, as referred to above.



France, which currently holds the presidency and the secretariat of the standardisation group on mountain lifts within the framework of Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons, will suggest, at the next meeting of this group in November 2005, that the French technical specifications should be used as the basis for a future European standard.

9. Brief Statement of Grounds

A particularly tragic accident occurred in France on 14 February 2004 due to the malfunctioning of a mountain moving walkway (a seven-year-old girl was killed when she was dragged under a walkway through a maintenance hatch, and the equipment could not be stopped quickly). Other tragedies involving this type of equipment have also occurred or narrowly been avoided in other Member States in the recent past. In all cases, it was established that the main cause of the accident was the inadequacy of the safety systems. As this equipment often has to operate, in practice, in a hostile environment (snow, ice) without human supervision in the immediate vicinity, it is vital for its safety systems to be improved. It must be guaranteed that these safety systems are effective in all circumstances.

10. Reference Documents - Basic Texts

- a) Of the references in the draft Decree, only the following ones are relevant to this notification:
- Article 50a of Law No 85-30 of 9 January 1985, as amended, on the development and protection of the mountains; this provision was created by Article 43 of Law No 2004-1343 of 9 December 2004,
 - Article L. 342-17 of the Tourism Code (formerly Article 50 of Law No 85-30),
 - Article L. 445-1 of the Town Planning Code.

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

This draft Decree is the result of a great deal of preparatory work by the professionals involved (French and foreign manufacturers, users) and the competent ministerial departments. It could not be undertaken until after the vote, in December 2004, on the law laying down the principle of State technical and safety inspections for these moving walkways in mountain resorts. This decree must be adopted as soon as possible so that the manufacturers and the mountain resorts (ski schools, operators of mountain lifts) are given sufficient prior warning to produce compliant equipment and to install it, and so that this equipment can be operational in time for the start of the next winter season, starting in autumn 2005.

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

See the attached impact assessment



16. TBT and SPS aspects

TBT aspect (Agreement on technical barriers to trade): No

iii) The draft will not have any notable impact on international trade.

SPS Aspect (Agreement on sanitary and phytosanitary measures): No

iii) The draft will not have any notable impact on international trade.

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Single Market for goods
Prevention of Technical Barriers

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