



Notification Number: 2011/245/E

Draft Royal Decree approving the Supplementary Technical Instruction AEM 1 “Lifts” of the Regulation on Lifting and Handling Equipment, approved by Royal Decree 2291/1985, of 8 November.

Date received : 23/05/2011

End of Standstill : 24/08/2011

Message

Message 002

Communication from the Commission - SG(2011) D/51217

Directive 98/34/EC

Translation of the message 001

Notification: 2011/0245/E

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 - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201101217.EN)

1. Structured Information Line

MSG 002 IND 2011 0245 E EN 23-05-2011 E NOTIF

2. Member State

E

3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General del Mercado Interior y otras Políticas Comunitarias.

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3. Originating Department

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4. Notification Number

2011/0245/E - I30

5. Title

Draft Royal Decree approving the Supplementary Technical Instruction AEM 1 "Lifts" of the Regulation on Lifting and Handling Equipment, approved by Royal Decree 2291/1985, of 8 November.

6. Products Concerned

Lifts (Guided lifting equipment, with speeds exceeding 0.15 m/s) and guided lifting equipment, with speeds of up to 0.15 m/s.

7. Notification Under Another Act

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8. Main Content

The Draft Royal Decree includes:

- Preamble, specifying its scope and purpose;
- Sole article, approving the Supplementary Technical Instruction AEM 1 "Lifts" of the Regulation on Lifting and Handling Equipment, approved by Royal Decree 2291/1985, of 8 November.
- First additional provision, providing for the development of a non binding technical guide;
- Second additional provision, regarding insurance coverage and other equivalent guarantees signed in other States;
- Third additional provision, regarding the acceptance of documents from other Member States as evidence of the fulfillment of requirements.
- Fourth additional provision, regarding the responsible declaration model;
- Fifth additional provision, regarding information and claims requirements;
- Sixth additional provision, regarding existing lifts
- Seventh additional provision, regarding maintenance companies with prior authorization;
- First transitional provision, regarding qualified personnel from maintenance companies with prior authorization;
- Second transitional provision, regarding ongoing procedures;
- Third transitional provision, regarding non registered lifts;
- Sole repealing provision;
- First final provision, regarding the grant of exclusive competence, and
- Second final provision, establishing the entry into force of the Royal Decree on the day following its publication in the Official State Gazette (BOE).



9. Brief Statement of Grounds

The purpose of the Draft is to update the part of the regulation relating to lifts, (ITC MIE-AEM 1) including the general framework of the Regulation on Lifting and Handling Equipment:

The ITC MIE-AEM1 was modified as a result of the implementation of Directive 95/16/CE, on the design of such equipment, and subsequently due to the amendment introduced into that Directive by Directive 2006/42/CE on Machinery, which changed the conditions for the design of lifts with speeds inferior or equal to 15 centimetres per second, from the Lifts to the Machinery Directive. This ended the coherence with which Spanish legislation treated all lifting equipment, especially removing the registry, maintenance and inspection requirements for so-called "slow lifts".

In addition, the directives only apply to equipment in the stages of design and manufacture required for their marketing and entry into service, but they do not provide for subsequent modifications, which inevitably become an issue for equipment after a few years of life.

The ITC-AEM1, in a single regulatory text, addresses all requirements relating to the design, manufacture, marketing, entry into service (all with reference to the Directives), registry, maintenance and inspection of all equipment considered as lifts under the ITC, regardless of their speed. Furthermore, procedures are provided, in parallel to those established in each of the directives specifying their installation, to guarantee conformity with so-called "important modifications".

In addition, this completes the adaptation of Directive 2006/123/CE regarding domestic market services, partially established by Royal Decree 560/2010, of 7 May, modifying various regulatory standards on industrial safety, adapting them to Act 17/2009, of 23 November, on Free Access to Service Activities and their Exercise, and Act 25/2009, of 22 December, modifying various laws in adjustment to the Act on Free Access to Service Activities and their Exercise. Article 2 of Royal Decree 560/2010 modified Royal Decree 2291/1985, of 8 November, approving the Regulation on Lifting and Handling Equipment, a framework regulation welcoming the ITC MIE-AEM 1, which this project is intended to replace.

10. Reference Documents - Basic Texts

References to basic texts: - Royal Decree 2291/1985, of 8 November, approving the Regulation on Lifting and Handling Equipment (BOE 11/12/1985);
- Order of 23 September 1987 modifying the Complementary Technical Guidelines MIE-AEM1 of the Regulation on Elevation Machinery and their Maintenance Regarding Electro-mechanical Lifts (Official State Gazette 06/10/1987);
- Order of 12 September 1991 modifying Supplementary Technical Instruction MIE-AEM1 of the Regulation on Lifting and Handling Equipment (BOE 17/09/1991);
- Royal Decree 1314/1997, of 1 August, establishing the provisions for the implementation of European Parliament and Council Directive 95/16/CE, on Lifts (BOE 30/09/1997);
- Royal Decree 57/2005, of 21 January, establishing the requirements to improve the safety of existing lifts (BOE 04/02/2005);
- Royal Decree 560/2010, of 7 May, modifying various regulatory standards on industrial safety adapting them to Act 17/2009, of 23 November, on Free Access to Service Activities and their Exercise, and Act 25/2009, of 22 December, modifying various laws for their adaptation to the Act on Free Access to Service Activities and their Exercise (BOE 22/05/2010)

11. Invocation of the Emergency Procedure



No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT Aspect

NO – The draft will have no noticeable effect on international trade.

SPS Aspect

NO – The draft is not a sanitary or phytosanitary measure

NO – The draft will have no noticeable effect on international trade.

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