

# Spanish Royal Decree

**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

## **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.

## **Article 1. Improved safety of existing lifts.**

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, 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 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.