COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

Relating to cableway installations designed to carry passengers

(presented by the Commission)

EXPLANATORY MEMORANDUM

REASONS FOR THE PROPOSAL IN TERMS OF SUBSIDIARITY

(a) What are the objectives of the proposed action in relation to the obligations incumbent upon the Community?

The objectives of this action are to ensure the free movement of components of cableway installations and of complete cableway installations by harmonizing the national provisions on safety and health protection and to provide protection for users.

(b) Is the Community alone responsible for the action planned or does it share responsibility with the Member States?

The Community alone is responsible for the action in question (internal market).

(c) Which forms of action are open to the Community?

Mutual recognition and regulation are the two forms of action open to the Community. The national legislation of the Member States on cableway installations is based on differing safety principles. Directive 90/531/EEC provides for the opening up of public contracts in this field.

(d) Are uniform rules necessary or would a Directive setting the general objectives but leaving implementation to the Member States suffice?

The measure proposed for cableway installations is a Directive based on Articles 57, 66 and 100a of the EC Treaty. It will cover all aspects of marketing since it is impossible to ensure free movement by means of a less binding measure to guarantee a high level of protection in the Member States. As regards components, the Directive is based on the principles set out in the Resolution of 7 May 1985 on a new approach to technical harmonization and standards. As regards complete installations, for the purposes of opening up the markets and protecting users, the Directive provides for a Community verification procedure. In both these contexts the rules have been limited to the essential requirements and leave the implementation aspects to the Member States and to European standardization.

INTRODUCTION

1. In those Member States where they are in widespread use, cableway installations designed to carry passengers are covered by regulations relating to such aspects as safety during putting into service and operation, environmental protection and regional planning.

2. The national regulations, which naturally apply both to the components and to the system as a whole, are usually of a very detailed nature in terms of equipment obligations, so much so as to render them incompatible. Consequently, they tend to involve techniques peculiar to the national industry as well as local customs and knowhow. At the same time, they stipulate specific dimensions and devices, not to mention particular characteristics which are usually inconsistent from one country to another.

3. In the light of these circumstances, manufacturers are obliged to redefine their equipment for each market, thus excluding the possibility of supplying standard equipment. This adversely affects their competitiveness, in that they are obliged in each instance to include additional study, design and production costs, while facing *de facto* exclusion from certain markets.

4. Users from a largely international background are thus denied a clear insight into the nature and scope of the safety measures adopted, notably with regard to operation.

5. In the circumstances, and given that for reasons connected with public policy (safety, health and environment) the regulatory constraints on manufacturers and operators are particularly acute, it is difficult to imagine how a genuinely open and competitive market could be created in the Community without envisaging the establishment of a Community framework of reference.

6. It should also be recalled that, originally, the intention had been that cableway installations designed to carry passengers should be included in the scope of the provisions relating to lifts. Subsequently, however, these installations had been excluded on the grounds that the measures to be implemented apply specifically to users whose needs cannot be catered for in the framework of provisions geared primarily to the safety of workers.

More recently, in the context of discussions within the Council, the Member States have introduced the subject of cableway installations designed to carry passengers in the scope of Directive 90/531/EEC relating to the excluded sectors.

THE MARKET

7. The installations in question can be divided into five categories:

- funicular railways;
- cable cars;
- gondolas;
- chair lifts;
- drag lifts.

In 1987 the total number of installations in Europe was as follows:

Table 1 : Total number of cableway installations in Europe in 1987[1]

	Funicular	Cable cars	Gondolas	Chair lifts	Drag lifts	Total
France	13	56	134	625	3238	4066
Italy	25	128	193	399	2025	2770
Germany	13	27	24	106	1900	2070
Spain	10	5	5	72	216	308
United Kingdom	20	3	4	13	82	122
Greece	3	12	3	10	28	56
Netherlands	-	1	-	4	12	17
Belgium	-	2	1	3	15	21
Portugal	6	1	-	-	5	12
Denmark	-	-	-	-	2	2
Luxembourg	-	-	-	1	-	1
Ireland	-	-	-	-	-	-
Total EC	90	235	364	1233	7523	9445
Austria	26	64	59	508	3371	4028
Switzerland	51	134	103	265	1730	2283
Czechoslovakia	4	5	5	40	1709	1763
Sweden	1	1	1	36	881	920
Poland	2	2	2	17	420	443
Yugoslavia	3	8	16	52	326	405
Norway	5	5	4	28	313	355
Finland	-	-	-	9	151	160
Other countries	3	7	6	40	216	272
Total Europe non EC	95	226	196	995	9117	10629
Total Europe	185	461	560	2228	16640	20074

1 Source: magazine MOTOR IM SCHNEE.

It should be noted that more than 70% of the world's heavy installations (funicular railways, cable cars and gondolas) are located in Europe.

8. The manufacturers, for their part, are grouped together within the IARM (International Association of Ropeways Manufacturers). According to this association, the structure of the sector in 1990 was as follows:

Table 2: Cableway installations - Structure of the sector in Europe in 1990

	Number of companies	Turnover million ECU	Jobs
EC	18	about 200	about 1500
Austria	9	about 100	about 1000
Switzerland	7	about 100	about 1000

The major manufacturers on the world stage are from Europe (including Austria and Switzerland).

It is important to point out that the cableway installation manufacturers are not contractors who offer their expertise for the purpose of completing construction projects designed by others. On the contrary, they are designers and industrialists in their own right who sell and develop their own technologies and their own products.

9. During the period 1986-91, penetration of the major Community markets (Spain, France, Italy) was as follows (see Table 3).

On the basis of this (albeit incomplete) table, it is possible to measure the extent to which the Community market has become compartmentalized (attributable mainly to regulatory factors). A more complete study on the principal countries concerned (Austria, Switzerland, Germany) is currently being carried out.

Outside Europe, the other major markets are located in the United States and Japan.

Table 3:

Country	No of install.	Amount(currency)	Origin				Remarks
Spain		Million Pesetas	F	I	A	S	
86	19	960	60%	0	40%	0	Spain has no national manufacturer
87	15	900	25%	10%	65%	0	
88	22	1280	29%	7%	63%	1%	
89	8	2539	21%	3%	76%	0	
90	13	1066	36%	11%	53%	0	
91	7	1487	24%	26%	45%	5%	
Italy		Million Lira					
* 86	13	32494	0	0	9%	0	Subsidiary of an Austrian manufacturer
87	16	18769	0	0	17%	0	
88	12	26939	0	0	4%	0	
89	20	56011	0	0	7%	0	
90	9	27884	0	0	4%	0	
91	13	19694	0	0	48%	0	*Province of Bolzano
			0	0			**Other provinces
** 86 to 91	262	NC	0	0	1%	0	
France		Million Francs					
87	91	800	100%	0	0	0	
88	157	960	0	0.6%	0	0	
89	134	700	0	0	0	24%	
90	138	510	0	0	0	7%	
91	79	525	78%	11.5%	8%	2.5%	
92 forecast	29	N/A					1 Austrian cable car 1 Swiss funicular

AIMS OF THE REGULATIONS AND CONTROLS

10. Cableway installations are carefully monitored by the public services in the Member States in a bid to ensure passengers the optimum conditions of safety commensurate with the technical state of the art.

    The causes of serious accidents are associated either with the transport system proper (broken cables, derailment, broken cabin fittings) or with the fixed installations supporting the system (fracture of a pylon anchor block). In other words, the safety of the installations depends not only on the quality of the goods supplied by industry - components - but also on the way in which they are assembled and installed on site and on the degree of monitoring during use.

11. This is why, in the various countries concerned, responsibility for approving equipment and cableway installations designed to carry passengers, prior to entry into public service, as well as ongoing monitoring during operation is normally vested in a specialized administrative service.

12. Consequently, approval of the components, as required under the regulations, cannot be obtained beforehand but only at the moment when a specific order is placed with a particular customer. As a result, in order to initiate the procedure for the approval of the various components for a type of installation, it is therefore necessary to have concluded a contract for a particular installation on which a ruling will have to be given by the authorities.

    This state of affairs discriminates severely against non-national manufacturers, especially as the initial approval procedure extends, on average, over a period of about two years and involves substantial costs.

13. By the same token, verification of the installation, as required under the regulations, prior to its entry into public service may entail difficulties, not least the possibility of certain components or certain technological solutions being rejected with the consequent need to find alternatives.

    Non-national manufacturers, especially, may be placed at a particular disadvantage by such eventualities, in that they may find themselves unable to enter into commitments involving firm deadlines or to cope with their costs.

14. This situation has resulted in virtually total compartmentalization of the market in components and in the installations as a whole. To overcome this problem, the Commission's objective is to create conditions allowing opening up of the national markets and free movement of the goods and services concerned, thereby contributing to the establishment of a fully fledged internal market in this field.

15. Article 100a(3) of the EC Treaty stipulates that the measures taken to establish the internal market must be based on a high level of protection of health, safety, the environment and consumers.

This proposal for a Directive aims at ensuring such a high level of protection and, in particular, at improving safety standards in the Member States which have not yet taken the measures necessary in order to ensure a high level of protection.

In practice, in an area with no internal frontiers, users must be able to rely on an equivalently high level of protection wherever in the Community the installation is located.

16. Leaving aside structural detailing, which affects the technical characteristics and the technology in general, the only way to guarantee enduring safety standards is to monitor the installations during operation, either on an ongoing basis or in the form of intensified periodic checks or seasonal inspections.

The methods employed to implement these measures are not technically neutral *vis-à-vis* the installations in question, inasmuch as they depend on the technologies used, while at the same time exerting a potential influence on the latter. These methods may be incorporated either in the form of regulatory provisions or in technical standards and specifications.

COMMUNITY ACTION AND SUBSIDIARITY

17. It is clear from the foregoing that, in order to achieve transparency and the genuine opening-up of the market not only in the Community but also in the framework of the EEA Agreement, the Community will need to follow a specific course of action. A number of hypotheses need to be considered, taking particular account of the principle of subsidiarity.

18. The first hypothesis involves the mutual recognition of regulatory provisions. The fact that the regulations in question are normally drawn up on the basis of obligations involving resources means that they are incompatible by definition. Mutual recognition could therefore be envisaged only if each of the Member States accepted on its territory installations designed, constructed and operated in accordance with the regulations of the other Member States.

    Such a hypothesis is not realistic either from a political or a technical point of view, inasmuch as it would create insoluble difficulties involving both interpretation and liability.

19. A second hypothesis entails voluntary standardization by the players concerned, and this would inevitably apply only to components. In the absence of common criteria under the national regulations, and notwithstanding the fact that the contracting entities are under an obligation to refer to them, these standards would come up against the barrier of regulatory incompatibility.

    Consequently, standardization without prior definition of harmonized regulatory requirements is not, in itself, sufficient to solve the problem.

20. All this would appear to indicate that the appropriate approach should be based on a proposal for a Directive, taking into account not only the components but also the installations as a whole, including the pertinent provisions concerning design, manufacture, putting into service and ongoing operation.

    In the case of cableway installations, moreover, the only way to ensure a market that is genuinely open and competitive is on the basis of Community measures. In particular, this would enable small undertakings, which owing to a lack of resources are currently restricted to their national (if not local) markets, to compete throughout the Community market on an equal footing with the three or four major manufacturers. Then again, the creation of a Community framework of reference is bound to promote and strengthen the competitiveness of European industry in international markets: Scandinavian countries, North America, Japan. Lastly, in the case of users whose background is, for the most part, international, this will ensure transparency and comprehensibility of the measures adopted for their safety, including ongoing operational safety.

    On this last point, it should be stressed that the proposal for a Directive lays down in general terms the obligations incumbent on the Member States, while leaving to their discretion the choice of measures to be taken.

SUBSTANCE OF THE PROPOSAL FOR A DIRECTIVE

21. As in the case of the existing national regulations, the proposal for a Directive considers the system as a whole. This means that account must be taken of the end result of the assembly of the components, which must be:
    - pertinent, i.e. used in their field of application;
    - consistent, i.e. compatible with their environment in the context of the installation;
    - correctly assembled, in order to permit them to be put into service;
    - checked and inspected, either periodically or continuously, during operation.

    Consequently, the authorities responsible will be required to carry out controls at two levels involving:
    - the critical components which must be judged from the point of view of their operational safety;
    - the complete installations which must be such as to ensure, in particular, the safety of users and respect for the environment.

22. Thus the proposal for a Directive draws on concepts evolved in the context of the new approach in respect of Directives relating to the "putting on the market" and "free movement" "of products". In particular, it is concerned with notions such as essential requirements, harmonized standards, safeguard clause, conformity assessment modules, notified bodies, etc.

    Notwithstanding, we are not dealing here with a Directive on the "free movement" of products. First and foremost, this is an instrument to permit the use of components and installations. It is such use which, in reality, is linked to the opening-up of markets subject to regulatory provisions, and in particular provisions concerned with the protection of the public. The provisions apply to complex equipment and systems designed to provide a service to the public. This is why the concepts referred to above are not sufficient, in themselves, and why, by analogy, new concepts must be defined that are applicable to the complete system and its operation. Such is the case, for instance, with regard to innovation, verification of the installation, putting into service, inspection during operation, bringing into conformity, cooperation among the notified bodies, etc.

    Without such provisions, there is a risk that the opening-up of these markets will not be effective in the short term, even where European standards already exist in respect of components considered in isolation.

23. In the light of the foregoing considerations, the legally operative part of the Directive has been arranged in six chapters:

I. **General provisions**
This chapter concerns objectives, field of application and definitions, essential requirements and provisions relating to the selection of critical components.

II. **Safety components**
This chapter groups together the provisions to be complied with when using the components, notably European specifications, including standards and conformity assessment by notified bodies and cooperation among these bodies.

III. **Installations**
This chapter is the most specific of all and deals with the division of responsibilities and prerogatives among the Member States, contracting entities, manufacturers and notified bodies. It contains provisions on the problem of innovation, verification prior to putting into service, operation and, where appropriate, bringing the installations into conformity.

The other chapters
IV. Notified bodies
V. Committee
VI. Final provisions
pose no particular problems by comparison with other Directives already in force.

24. The chapters making up the legally operative part are followed by eight annexes concerning:

I. Composition of cableway installations designed to carry passengers
II. Essential requirements
III. Safety analysis
IV. EC declaration of conformity of components
V. Assessment of conformity of components with the choice of modules
VI. EC declaration of conformity of installations
VII. EC verification of installations
VIII. Minimum criteria for the notification of bodies

PROPOSAL FOR A EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

RELATING TO CABLEWAY INSTALLATIONS

DESIGNED TO CARRY PASSENGERS

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 57(2), 66 and 100a thereof,
Having regard to the proposal from the Commission,[1]
Having regard to the opinion of the Economic and Social Committee,[2]

Whereas cableway installations designed to carry passengers are designed, manufactured, put into service and operated with the object of providing a service to the public; whereas, to a very large extent, these cableway installations are mountain lift systems used in high-altitude tourist resorts and consisting of funicular railways, cable cars, gondolas, chair lifts and drag lifts;

Whereas these installations are operated in connection with tourism, and ski resort tourism in particular, which plays an important role in the economy of the regions concerned and is becoming an increasingly important factor in national trade balances; whereas, from a technical point of view, the cableway installations sector also ranks among the industrial activities linked to the production of capital equipment and to activities in the building and civil engineering sector;

Whereas the Member States are responsible for ensuring the safety of cableway installations designed to carry passengers at the time of manufacture, putting into service and during operation; whereas, moreover, they are jointly responsible with the local authorities for such matters as land-use legislation, regional planning and environmental protection; whereas the national regulations which they apply differ widely and involve techniques peculiar to the national industry as well as local customs and knowhow; whereas they stipulate specific dimensions and devices and particular characteristics; whereas, in the light of these circumstances, manufacturers are obliged to redefine their equipment for each market; whereas this makes it difficult to provide standard solutions and adversely affects competitiveness;

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[1] OJ No
[2] OJ No

Whereas steps should be taken to define, on a Community-wide basis, essential safety, health, environmental protection and consumer protection requirements applicable to cableway installations and their components; whereas without these mutual recognition of regulatory provisions would create insoluble political and technical difficulties as regards interpretation and liability; whereas, by the same token standardization without prior definition of a framework of harmonized regulatory requirements is not sufficient to solve the problem;

Whereas responsibility for approving equipment and installations is generally vested in a specialized service of the national administration; whereas, in certain cases, approval of the components cannot be obtained beforehand but only at the moment when a specific order is placed with a particular customer; whereas, by the same token, the requisite verification of the installation prior to its entry into public service may result in the rejection of certain components or certain technological solutions; whereas such a state of affairs leads to increased costs and longer waiting periods and is particularly discriminatory against non-national manufacturers, especially; whereas cableway installations are carefully monitored by the public services, not least during periods when they are operational; whereas the causes of serious accidents are linked to the system of transport as such, or to the fixed installations supporting the system, or to the way in which the system is operated and maintained;

Whereas, under these conditions, the safety of the installations depends both on the quality of the industrial goods supplied and on the way in which they are assembled, set up and monitored on site; whereas this underlines the importance of having an overview of the installation in order to assess the level of safety and of adopting a common approach, at Community level, in the field of safeguards and quality; whereas, under these conditions, steps should be taken to enable manufacturers to overcome their current difficulties and to enable users to derive maximum benefit from their leisure time and to enjoy equal improvements irrespective of the Member State they choose to visit; whereas, to this end, a set of requirements should be defined together with control and verification procedures to be applied uniformly throughout the Community;

Whereas steps must be taken to ensure that users from countries anywhere in the Community, and even beyond, enjoy a satisfactory level of safety; whereas, in order to meet this requirement, it is necessary to define procedures and establish examination, control and verification mechanisms; whereas such mechanisms necessitate the use of standardized technical provisions which must be incorporated in the installations;

Whereas Directive 85/337/EEC calls for an environmental impact assessment on cableway installations if the projects are likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location;

Whereas cableway installations come within the scope of Council Directive 90/531/EEC of 17 September 1990 on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors[3];

Whereas the contracting entities are obliged to include the technical specifications in the general documentation or in the product specifications peculiar to each contract; whereas these technical specifications must be defined with reference to European specifications, where such specifications exist; whereas a European specification is a common technical specification, a European technical approval or a national standard transposing a European standard;

Whereas a harmonized European standard is established by a European standardization body, i.e. the CEN, CENELEC or the ETSI, on a mandate from the Commission; whereas the references thereof are published in the Official Journal of the European Communities;

Whereas, in the absence of European specifications, the technical specifications should be defined, as far as possible, with reference to the other standards in use in the Community; whereas the contracting entities can define the additional specifications needed to supplement the European specifications and other standards; whereas these provisions must, in all instances, ensure compliance at European level with the harmonized standards to which cableway installations designed to carry passengers are required to conform;

Whereas it is in the interests of the Community to have an international standardization system capable of producing standards effectively used by international trading partners and satisfying the requirements of Community policy; whereas, consequently, the European standardization bodies must continue their cooperation with the international standardization organizations;

Whereas the contracting entities indicate in the general documentation or product specifications peculiar to each contract the control and verification procedures to which the components and installations will be subject; whereas these procedures must, notably in the case of the components, fall within the framework of Council Resolution 90/C10 of 21 December 1989 concerning a global approach to conformity assessment[4]; whereas the notion of component applies not only to tangible objects but also to intangible objects such as software; whereas the procedures for assessing the conformity of components must be based on the use of the modules featured in Council Decision 90/683/EEC of 13 December 1990[5]; whereas, in the case of components that are critical from the safety point of view, steps must be taken to define the principles and conditions governing the application of design quality assurance; whereas these measures are necessary to promote the general adoption of the system of quality assurance among undertakings;

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3 OJ No L 297, 29.10.1990.
4 OJ No C 10, 16.1.1990.
5 OJ No L 380, 31.12.1990.

Whereas, in the case of components, it is necessary to identify the components on which the safety of the installations depends; whereas this is done by submitting the project to a methodical safety analysis;

Whereas in their specifications the contracting entities lay down, by reference to the European specifications, the characteristics which manufacturers are under a contractual obligation to observe, particularly for components; whereas, under these conditions, the conformity of the components depends principally on their field of use and not solely on free movement on the common market;

Whereas, consequently, it is not necessary for the manufacturer to affix the CE marking to components subject to the provisions of this Directive; whereas, however, after assessment of conformity following the procedures laid down for this purpose in the Directive, the manufacturer's declaration of conformity will suffice; whereas this applies without prejudice to the obligation incumbent upon manufacturers to affix the CE marking to certain components to certify their conformity with other Community provisions applicable thereto;

Whereas the Member States' responsibility for safety, health and other aspects covered by the essential requirements on their territory must be recognized in a safeguard clause providing for the appropriate Community procedures;

Whereas a procedure is necessary for the verification of installations before they are put into service; whereas such verification must enable the authorities to satisfy themselves that at each stage of the design, manufacturing and entry-into-service process the result obtained conforms to the provisions applicable; whereas manufacturers must be able to take for granted that treatment will be equal, irrespective of the country in question; whereas a module should therefore be drawn up to define the principles and conditions governing EC verification of installations;

Whereas, in the case of cableway installations, large-scale tests can only be carried out on technological innovations once an actual installation has been completed; whereas, under these conditions, a procedure should be envisaged which, while ensuring compliance with the essential requirements, also provides for permissible derogations;

Whereas it is not necessary to envisage bringing all existing installations into conformity with the provisions applicable to new installations; whereas, however, this may prove necessary if there is clear evidence that conditions are unsafe;

Whereas, particularly in the absence of a European specification, the notified bodies responsible for examining the conformity assessment procedures in respect both of the components and of the installations must coordinate their decisions as closely as possible; whereas the Commission must take appropriate steps to ensure that they do so;

Whereas adequate implementation of the essential requirements, particularly with regard to the safety of the installation as a whole, and coordination of the procedures call for the establishment of a special committee,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

1. This Directive applies to cableway installations designed to carry passengers.

2. For the purposes of this Directive, cableway installations designed to carry passengers means capital equipment made up of several components, designed, manufactured, assembled and put into service with the object of providing an operational service to carry the general public.

   This on-site equipment is used for the carriage of passengers in vehicles or on chairs, whereby the suspension and/or traction is provided by cables positioned or running along the line of travel.

3. The installations concerned are:

   (a) funicular vehicles mounted on wheels and supported on a track or road;

   (b) cable cars (usually bicable), where the two cabins are lifted by one or more carrier cables and traction is provided by one or more tow cables;

   (c) gondolas (usually monocable) combining on the same cable, or group of cables, dual lifting and traction functions. Their movement is continuous and unidirectional;

   (d) chair lifts, usually with fixed mountings;

   (e) drag lifts which usually constitute the basic equipment at ski resorts.

4. This Directive applies to the installations and components and lays down the rules on harmonization necessary and adequate in order to ensure and guarantee compliance with the essential requirements applicable thereto, as referred to in Article 3.

5. For the purposes of this Directive:

   - "Installation" means the complete on-site system together with the following subsystems, as described in greater detail in Annex I:

     - infrastructures;
     - electrical and telecommunications equipment;
     - mechanical equipment;
     - vehicles;
     - public facilities;
     - operational equipment.

- "Component" means any single component, set of components, subassembly or complete assembly incorporated in the subsystems making up the installation, as indicated in Annex I.

- "Safety component" means any installation component the failure of which poses a risk to the safety of persons, be they passengers, workers or third parties.

Article 2

The provisions of this Directive shall apply without prejudice to the pertinent provisions of other Community Directives, particularly with regard to the European specifications on components, save where, particularly in the case of safety components, compliance with the essential requirements laid down in this Directive calls for application of the special European specifications established for this purpose.

Article 3

1. The installations and components covered by this Directive shall comply with the essential requirements set out in Annex II.

2. The conformity of a component to the relevant essential requirements shall be determined by reference to the pertinent European specifications, where such specifications exist.

3. The references of the European specifications which take the form of common technical specifications, European technical approvals, as defined in Directive 90/531/EEC, or national standards transposing harmonized European standards shall be published in the Official Journal of the European Communities.

   The Member States shall publish the references of the national standards transposing the harmonized standards.

4. In the absence of European specifications, and without prejudice to the provisions of Article 17, Member States shall send to other Member States and the Commission a list of those parts of existing national technical regulations, standards and specifications which are regarded as relevant to the proper implementation of the essential requirements.

5. The additional technical specifications needed to supplement the European specifications or other standards must not jeopardize compliance with the essential requirements.

6. Where a Member State or the Commission considers that the European specifications referred to in paragraph 2 do not entirely satisfy the relevant essential requirements referred to in Article 3, the Commission or the Member State concerned shall bring the matter before the Committee referred to in Article 18, giving the reasons therefor. The Committee shall deliver an opinion without delay.

Upon receipt of the Committee's opinion, and following consultations with the Committee set up under Directive 83/189/EEC in the case of harmonized standards, the Commission shall inform the Member States whether or not it is necessary to withdraw the European specifications in question from the published information referred to in paragraph 3.

Article 4

1. The installations shall be the subject of a safety analysis to ensure that the design and architecture of the project, having regard to the environment in which it is located, make it possible to obtain satisfactory safety conditions in the most adverse situations.

2. The safety analysis shall make it possible to identify, in particular, the safety components in the installation which are subject to the provisions of Chapter II.

CHAPTER II

SAFETY COMPONENTS

Article 5

Member States shall take all appropriate measures to ensure that the safety components to which this Directive applies:

- are placed on the market only if they permit the construction of installations complying with the essential requirements referred to in Article 3;

- are used for their intended purpose and are properly installed and maintained.

Article 6

Member States shall not, on the basis of this Directive, prohibit, restrict or impede the placing on their national markets or use in an installation of safety components which comply with the provisions of this Directive.

Article 7

1. Member States shall regard the safety components referred to in Article 4 and with the EC declaration of conformity based on the model set out in Annex IV as conforming to all the relevant provisions of the Directive.

2. The EC declaration of conformity shall be drawn up by the manufacturer, or his authorized representative established in the Community, on the basis of the modules in Decision 90/683/EEC, as defined in Annex V.

3. The procedure for assessing component conformity shall be examined at the request of the manufacturer, or his authorized representative established in the Community, by the notified body referred to in Article 16 and appointed for this purpose.

4. Where the safety components are subject to other Community directives concerning other aspects, the EC declaration of conformity shall indicate in these cases that the safety components also fulfil the requirements of the other directives.

5. Where neither the manufacturer nor his authorized representative established in the Community fulfils the obligations of the preceding paragraphs, these obligations shall be incumbent on any person placing the component on the market. The same obligations shall apply to any person assembling the components or parts thereof of various origins or constructing components for his own use.

6. Without prejudice to the provisions of Article 8:

   (a) If any Member State ascertains that the EC declaration of conformity has been drawn up unduly, the manufacturer or his authorized representative in the Community shall be under an obligation to bring the component back into conformity and to put an end to the infringement under the conditions imposed by that Member State;

   (b) If the non-conformity persists, the Member States must take all the appropriate measures to restrict or prohibit marketing of the component concerned or to ensure its withdrawal from the market, in accordance with the procedures provided for by Article 8.

Article 8

1. Where a Member State ascertains that a component with an EC declaration of conformity as referred to in Article 7(1) which is marketed and used in accordance with its intended purpose is liable to jeopardize compliance with the essential requirements referred to in Article 3, it shall take all appropriate measures to restrict the scope or prohibit the use thereof.

   The Member State shall immediately inform the Commission of measures taken indicating the reasons for its decisions and, in particular, whether non-conformity is due to:

   a. failure to satisfy the essential requirements;

   b. incorrect application of the European specifications referred to in Article 3(2) to (4) insofar as application of these specifications is invoked;

   c. shortcomings in the European specifications referred to in Article 3(2) to (4).

2. The Commission shall enter into consultation with the parties concerned without delay. Where the Commission considers, after this consultation, that the measure is justified, it shall immediately so inform the Member State which took the initiative and the other Member States. Where the Commission considers, after this consultation, that the measure is unjustified, it shall immediately so inform the Member State which took the initiative and the manufacturer or his authorized representative established within the Community. Where the decision referred to in paragraph 1 is based on a shortcoming in the European specifications referred to in Article 3(2) to (4), the procedure defined in Article 3(6) shall apply.

3. Where a component with the EC declaration of conformity referred to in Article 7(1) is found not to comply, the competent Member State shall take appropriate action against whomsoever drew up the declaration and shall so inform the Commission and the other Member States.

4. The Commission shall ensure that the Member States are kept informed of the progress and outcome of this procedure.

CHAPTER III

INSTALLATIONS

Article 9

Each Member State shall be responsible for authorizing the putting into service of the cableway installations designed to carry passengers and located in its territory.

To this end, Member States shall take all appropriate measures to ensure that the installations covered by this Directive may be put into service only if they have been designed, constructed and installed in such a way as not to hamper compliance with the essential requirements pertaining thereto.

Article 10

1. Member States shall not, on the basis of this Directive, prohibit, restrict or impede the construction, putting into service and operation in their territory of installations which comply with the provisions of this Directive.

2. Member States may allow a derogation from paragraph 1 in their territory if the installation concerned, while meeting the essential requirements, is of a wholly or partially new design and if it falls into the category referred to in Article 12(1). The derogation option shall cease to apply when the conditions of paragraph 3 of the same Article are met.

Article 11

1. Member States shall regard installations with the EC declaration of conformity based on the model set out in Annex VI and with the technical documentation provided for by paragraph 5 as conforming to the relevant essential requirements referred to in Article 3.

2. The EC declaration of conformity shall be drawn up by the contracting entity, or its authorized representative, on the basis of the EC verification procedure defined in Annex VII.

3. The EC verification procedure shall be examined at the request of the contracting entity, or its authorized representative, by the notified body referred to in Article 16 and appointed for this purpose.

4. The responsibilities of the notified body in charge of the EC verification of an installation begin at the design stage and extend over the entire construction stage up to the approval stage, prior to the installation being put into service.

5. The notified body must compile the technical documentation which accompanies the EC declaration of conformity. The technical documentation must include all the necessary documents concerning the characteristics of the installation and, where appropriate, all the documents certifying the conformity of the components. It must also contain all the relevant details of the conditions of and restrictions on use, of the maintenance instructions, of continuous or routine monitoring, adjustment or servicing.

Article 12

1. By way of derogation from the provisions of Article 11(1), the putting into service of an installation of a wholly or partially new design may be authorized by a Member State in its territory on the basis of a provisional EC verification certifying that the installation complies with the essential requirements.

2. Under the coordination arrangements referred to in Article 17, the notified body which has examined the EC verification procedure shall notify its partners of the outcome of its work and shall inform them, if so requested, of how the installation, with its new features, performs under operating conditions.

3. The Member State may authorize the same derogation for other installations exhibiting the same new feature for a period of no more than two years from the date on which the first installation comes into operation.

   At the end of this period, the coordination procedure referred to in Article 17 shall be initiated by the notified body which examined the provisional EC verification procedure, with a view to making it definitive and enabling the EC declaration of conformity to be drawn up.

Article 13

1. If a Member State considers that an installation in respect of which an EC declaration of conformity has been issued does not fully comply with the essential requirements referred to in Article 3, it may request that additional checks be carried out before authorizing the entry into service of that installation in its territory.

2. The Member State shall immediately inform the Commission of the additional checks requested, together with reasons. The Commission shall forthwith initiate the coordination procedure provided for in Article 17 which may, where appropriate, lead to amendment of the European specifications for the installations, as referred to in Article 3(2).

Article 14

The provisions of this Directive shall apply in cases where an existing installation is undergoing major repairs or alterations.

Article 15

1. Member States shall take all appropriate steps to ensure that the installations covered by this Directive remain in operation only on condition that they are properly maintained and used and that they comply with the essential requirements referred to in Article 3.

2. If a Member State discovers that the operation of an installation represents a clear safety hazard and poses a danger to passengers, workers or third parties, it shall immediately take all necessary measures to remedy the situation.

CHAPTER IV

NOTIFIED BODIES

Article 16

1. Member States shall notify the Commission and the other Member States of the bodies responsible for carrying out the conformity assessment procedure referred to in Article 7 and the verification procedure referred to in Article 11 specifying the field of competence of each body.

   The Commission shall assign the bodies identification numbers. The Commission shall publish the list of notified bodies, together with their identification number, in the Official Journal of the European Communities and shall keep it up to date.

2. Member States shall apply the criteria laid down in Annex VIII in assessing the bodies to be notified. Bodies meeting the assessment criteria laid down in the relevant harmonized standards of the EN.45.000 series shall be presumed to fulfil those criteria.

3. A Member State which has approved a body must withdraw its notification if it finds that the body no longer meets the criteria referred to in Annex VIII.

Article 17

1. In order to achieve consistency in the application of this Directive, and in particular of the provisions of Annex V on assessment of the conformity of components and of Annex VII on the procedure for the EC verification of installations, the Commission shall take steps to ensure that the decisions of the notified bodies referred to in Article 16 are closely coordinated, notably in cases where no European specifications exist.

2. Coordination meetings between the notified bodies shall be held at the request of the Commission or of the Committee referred to in Article 18, or at the instigation of the notified bodies themselves. At the request of the Commission, each Member State may be called upon to appoint, subject to certain limitations, notified bodies to participate in the coordination meetings.

3. The work carried out at the level of the coordination meetings may lead, where appropriate, to the drawing-up of European specifications setting out, in particular, all the operations required to establish the conformity of the components or of the installations with the provisions of this Directive.

CHAPTER V

COMMITTEE

Article 18

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

Any matter relating to the implementation and practical application of this Directive may be brought before the Committee, in accordance with the following procedure.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which it has taken account of this opinion.

CHAPTER VI

FINAL PROVISIONS

Article 19

Any decision taken pursuant to this Directive which restricts the use of a component in an installation, and the construction and operation of an installation, shall state the exact grounds on which it is based. Such decisions shall be notified as soon as possible to the party concerned, who shall at the same time be informed of the legal remedies available to him under the laws in force in the Member State concerned and of the time limits to which such remedies are subject.

Article 20

1. The Member States shall amend their laws, regulations and administrative provisions so as to authorize the use of safety components and the putting into service of installations complying with this Directive by 31 December 1995 at the latest. They shall forthwith inform the Commission thereof.

2. The provisions adopted by the Member States pursuant to paragraph 1 shall contain a reference to this Directive or shall be accompanied by such a reference at the time of official publication. The detailed procedures for this reference shall be adopted by the Member States.

Article 21

This Directive shall enter into force on the twenty-first day following its publication in the Official Journal of the European Communities.

Done at Brussels,

For the Parliament

The President

For the Council

The President

ANNEX I

CABLEWAY INSTALLATIONS DESIGNED TO CARRY PASSENGERS

COMPOSITION

1 Infrastructures

- 1.1 Layout, gauge, maximum speed, throughput
- 1.2 Stations (buildings, access areas, sidings, workshops)
- 1.3 Structures along the line
- 1.4 Cables
- 1.5 Maintenance, anchorage and cable power installations

2 Power supply and telecommunications

- 2.1 Power supply
- 2.2 Functions provided
- 2.3 Monitoring and control devices
- 2.4 Telecommunications

3 Mechanical devices

- 3.1 Drives
- 3.2 Brakes
- 3.3 On-site guidance systems
- 3.4 Station machinery
- 3.5 Line engineering
- 3.6 Devices peculiar to cableway rescue cars

4 Vehicles

- 4.1 Rolling stock
- 4.2 Cable connections
- 4.3 Passenger area
- 4.4 Connection between traction unit and passenger area
- 4.5 Braking system

5 Public facilities

- 5.1 Access and exit points (turnstiles)
- 5.2 Ticket machines, information
- 5.3 Emergency equipment
- 5.4 Alarm systems

6 Operation

- 6.1 Staff
- 6.2 Normal service
- 6.3 Service in exceptional circumstances
- 6.4 Incidents and accidents - rescue procedures
- 6.5 Maintenance, inspections and tests

ANNEX II

ESSENTIAL REQUIREMENTS

1. Purpose

This Annex sets out the essential requirements applicable to the design, construction, bringing into service and operation of cableway installations designed to carry passengers, as referred to in this Directive.

2. General requirements

2.1 Safety of persons

The safety of passengers, workers and third parties is an essential requirement for the design, construction and operation of cableway transport installations.

2.2 Principles of integrated safety

All cableway transport installations must be designed, constructed and operated in accordance with the following principles, which are to be applied in the order given:

- eliminate or, if this is not possible, reduce hazards as far as possible by means of design and construction features which prevent them from occurring;

- define and implement all necessary measures to protect against hazards which cannot be eliminated by the design and construction features;

- inform the persons concerned about the precautions which should be taken to avoid the hazards which it has not been possible to eliminate completely by means of the above provisions and measures.

2.3 Consideration of external factors

All cable transport installations must be designed, constructed and operated in such a way as to take into account, in addition to the category and type of installation, the nature and physical features of the terrain on which it is installed, the natural environmental risks and the proximity of other infrastructures. No authorization may be granted for installations likely to have a significant impact on areas with a sensitive environment, such as special protection areas designated in accordance with Community legislation, until after an assessment has been made, as provided for by Directive 85/337/EEC.

2.4 Dimensions

2.4.1 The installation and all of its components must be dimensioned, designed and constructed to withstand with a sufficient degree of safety all stresses encountered under normally foreseeable operating conditions, including outside influences, dynamic effects and fatigue phenomena, while complying with the acknowledged rules of the art, in particular with regard to the choice of materials.

2.4.2 The installation must also withstand, without serious damage to persons or property, all stresses resulting from normally foreseeable natural phenomena which occur when it is not in operation.

2.5 Assembly

2.5.1 The components and installation must be designed and constructed in such a way as to ensure that they can be safely assembled and put into place using appropriate methods of handling and lifting.

2.5.2 Mistakes in the assembly or replacement of certain components which might be the cause of risks must be rendered impossible by the design of the components concerned or, failing this, by means of information given on the components themselves.

2.6 Integrity of the installation

2.6.1 The safety components must be designed, constructed and used in such a way as to ensure that, in every case, their own operational integrity and/or safety is guaranteed, as defined in the safety analysis in Annex III, with an adequate margin so that their failure is highly improbable.

2.6.2 The installation must be designed, constructed and operated in such a way as to ensure that any failure of a component which might affect safety, even indirectly, is met by an appropriate technical measure being taken in good time.

2.6.3 The guarantees referred to in the preceding two paragraphs must apply throughout the period between two scheduled inspections of the component concerned.

2.6.4 Measures must be taken to prevent any fire in the installation or its surroundings from jeopardizing the safety of persons.

2.6.5 Special measures must be taken to protect installations and persons from the effects of lightning.

2.6.6 The installation must be designed and constructed in such a way as to ensure that any internal or external nuisance resulting from noise emissions or vibrations falls within the prescribed limits.

2.7 Safety devices

2.7.1 Any defect in the installation which could result in a failure endangering safety must be detected and reported, save where impossible. The same applies to any normally foreseeable external event which may endanger safety.

2.7.2 Any defect or external event thus detected must be processed by a safety device whose function is either to cause the installation to be shut down automatically within a prescribed period or immediately to warn the staff of the installation by triggering an appropriate alarm.

2.7.3 After the installation has been shut down by a safety device, it must not be possible to restart it unless appropriate action has been taken.

2.8 Maintenance

The installation must be designed and constructed so as to enable ordinary or special maintenance and repair operations and procedures to be carried out safely.

3. Infrastructure requirements

3.1 Location and gauge

3.1.1 The installation must be designed to operate safely taking into account the characteristics of the terrain and environment, atmospheric and meteorological conditions, obstacles and other structures located in the vicinity either on the ground or in the air in such a way as to cause no nuisance or pose no danger under any operational or maintenance conditions or in the event of an operation to rescue passengers.

3.1.2 Sufficient distance must be maintained laterally and vertically between vehicles, towing devices, tracks, cables, etc., and possible obstacles, taking account of the vertical, longitudinal and lateral movement of the cables and vehicles or of the towing devices under the most adverse operating conditions.

3.2 Cables and fittings

3.2.1 All measures must be taken to prevent the risks of cables breaking, to guarantee their maximum stress values, to ensure that they are safely mounted on their supports, to enable them to be monitored and to prevent their derailment.

3.2.2 If it is not possible to prevent all risk of derailment of the traction cable, measures must be taken to ensure that cables can be retrieved and the installation shut down without injury to persons.

3.3 Stations and structures along the line

3.3.1 Stations and structures along the line must be designed, installed and equipped so as to ensure stability, to permit safe guidance of the cables and the vehicles and to be capable of being maintained safely whatever the operating conditions.

3.3.2 Stations must be designed so as to guarantee the safety of the traffic. The movement of vehicles and gear in the stations must be capable of taking place without risk to persons.

4. Requirements relating to mechanical, electrical and telecommunications installations

4.1 Mechanical installations

4.1.1 Drives

A cableway transport installation must be actuated by means of an engine and a mechanism the performance and capability of which are adapted to the various operating systems and modes.

4.1.2 **Standby drive**

The installation must have a standby drive the energy source of which is independent of that of the main engine. This device is not, however, mandatory unless provided for in the safety analysis. This generally excludes drag lifts.

4.1.3 Braking

4.1.3.1 It must be possible to shut down the installation at any moment, should the need arise, under the most unfavourable conditions in terms of authorized load and pulley adhesion during operation. The stopping distance must be as short as the security of the installation dictates.

4.1.3.2 Deceleration values must be within adequate limits fixed in such a way as to ensure both the safety and comfort of the passengers and the satisfactory behaviour of the vehicles, cables and other parts of the installation.

4.1.3.3 In all installations except drag lifts, there must be two or more braking systems, each capable of bringing the installation to a halt, and coordinated in such a way that they automatically replace the active system when its efficiency becomes inadequate. The traction cable's last braking system must act directly on the driving pulley.

4.1.3.4 The installation must be fitted with an effective clamp and locking mechanism to guard against premature restarts.

4.2 Control devices

The control devices must be designed and constructed so as to be safe and reliable, to withstand normal operating stresses and external factors such as humidity, temperature and electronic interference and so as not to cause dangerous situations, even in the event of operational error.

4.3 Communication devices

Suitable facilities must be provided to enable operational staff to communicate with one another at all times.

5. Vehicles

5.1 Vehicles must be designed and fitted out in such a way that under normally foreseeable operating conditions passengers cannot fall out of them and do not encounter any risks.

5.2 Vehicle fittings must be designed and constructed so as not to damage the cable or slip under the most unfavourable operating conditions.

5.3 It must be possible for the doors of closed vehicles (cars, cabins, wagons) to be closed and locked during transport. The vehicle floor and walls must be designed and constructed so as to withstand pressure exerted by passengers under any circumstances.

5.4 The maximum height of vehicles above ground must take account of the nature of the installation, the types of vehicle and the rescue procedures.

5.5 The maximum speed of the vehicles or trailers, their minimum separation distance and their acceleration and braking performance must be selected in such a way as to ensure the safety of persons and the proper functioning of the installation.

5.6 If for reasons of operational safety an operator is required on board the vehicle, the vehicle must be fitted with the equipment required for him to carry out his tasks.

5.7 Vehicles and, in particular, their suspension mechanisms must be designed and fitted so as to ensure the safety of workers servicing them in accordance with appropriate safety rules and instructions.

5.8 In the case of vehicles equipped with disconnectable fittings, all necessary measures must be taken to bring to a halt at the moment of departure, and without causing injury to passengers, any vehicle whose fitting has been incorrectly connected to the cable. Similarly, it must be possible to halt a vehicle at the moment of arrival if the vehicle fitting has not been disconnected.

6. Equipment for the public

6.1 Access to stations, traffic control, parking and the embarkation and disembarkation of passengers must be organized in such a way as to ensure the safety of persons including, where necessary, persons who are not fully mobile.

6.2 Protective devices must be fitted to embarkation and disembarkation platforms and to terminal buildings, if there is any risk of falling from heights.

6.3 Public facilities, such as installation access and exit points, turnstiles, ticket machines, etc., must be designed in such a way as not to endanger the safety of persons. They must also be designed with the object of ensuring easy access for children.

7. Operation

7.1 Operational safety

7.1.1 All necessary measures must be taken to ensure that the installation is used for its intended purpose according to its technical specifications and to the specified operating conditions and that the instructions on servicing, continuous or regular monitoring, inspections, adjustment, maintenance, operation and safety are complied with.

7.1.2 Operation of the installation must be entrusted to persons acknowledged to have the requisite skills and they must be given the material resources they require to carry out their tasks satisfactorily.

7.1.3 All parts of the installation, particularly those to which the public have access, must be kept in such a condition that they do not constitute a special danger to persons.

7.2 Safety in the event of immobilization of the installation

7.2.1 In the event of immobilization of the installation, and where it cannot be quickly restarted, arrangements must be made to return passengers to safety within a reasonably short time depending on the type of equipment and the environment, irrespective of the point of immobilization and without compromising their safety or that of the other persons involved.

7.2.2 Under these circumstances, it must be possible to return vehicles to the station immediately in accordance with prior arrangements and while ensuring safety by means of appropriate precautions.

Procedures must be provided to ensure that passengers are notified of the situation as quickly as possible.

7.2.3 An evacuation plan must be established. It must be followed if passengers have to leave vehicles in the course of a journey. They must be evacuated using the necessary resources, taking account of the nature of the installation and its environment. These resources must be available as rapidly as possible during operation of the installation. They must guarantee the safety of passengers, even those who are not in a position actively to participate in evacuation operations.

7.3 Other special provisions concerning safety

7.3.1 Operators' stands and workplaces

Movable parts which are normally accessible in the stations must be designed, constructed and used in such a way as to avoid any risks or, where such risks exist, be fitted with protective devices so as to prevent any risk of contact which may cause accidents. These devices must be of a type that cannot easily be concealed or rendered inoperative.

7.3.2 Risk of falling

Workplaces and working areas, including those used only occasionally, and access to them must be designed and fitted out in such a way as to prevent persons required to work or move in them from falling. Should this not suffice, they must also be provided with anchorage points for personal protective equipment to prevent falls.

ANNEX III

SAFETY ANALYSIS

The safety analysis required for every cableway installation designed to carry passengers is conducted, for each mode of operation envisaged, in accordance with a recognized method, taking into account the current state of the art and the complexity of the installation in question. The aim is to ensure that the design and architecture of the proposed installation, having regard to the environment in which it is located, should be such as to guarantee satisfactory safety conditions, even in the most adverse situations.

The analysis is concerned, in particular, with the safety devices and the systems which they trigger off. These devices and systems must either be intrinsically safe (failsafe) or must be such that the probability of their failure can be evaluated or, alternatively, their level of reliability can be assessed. 'Intrinsically safe' means that the sole effect of any defect or failure involving any circuit or component in the device must be to maintain the system in a safe state.

The safety analysis is used as the basis for drawing up the inventory of risks and for determining the list of components referred to in Article 4, where the failure of such components poses a risk to the safety of persons. This analysis must be attached to the tender documents.

ANNEX IV

COMPONENTS

EC DECLARATION OF CONFORMITY

This Annex applies to the components referred to in Article 4(2) of the Directive with a view to establishing their compliance with the essential requirements referred to in Article 3(1) of the Directive and defined in Annex 2 relating thereto.

The EC declaration of conformity and the accompanying documents must be dated and signed. It must be drawn up in the same language as the instruction manual.

The declaration must contain the following particulars:

- the references of the Directive;
- name, business name and full address of the manufacturer or his authorized representative established in the Community; authorized representatives must also give the business name of the manufacturer or designer;
- description of the component (make, type, etc.);
- details of the conformity declaration procedure used (Article 7);
- relevant descriptions of the component, and in particular the conditions of use;
- the name and address of the notified body (or bodies) involved in the conformity procedure and the date of the examination certificate with details, where appropriate, of the duration and conditions of validity of the certificate;
- where appropriate, the reference of the European specifications;
- identification of the person empowered to sign on behalf of the manufacturer or his authorized representative established in the Community.

ANNEX V

COMPONENTS

ASSESSMENT OF CONFORMITY

1. Scope

This Annex applies to the components referred to in Article 4 of the Directive with a view to checking compliance with the essential requirements referred to in Article 3 and defined in Annex II relating thereto. It is concerned with the role of the notified bodies in assessing the intrinsic conformity of a component, considered in isolation, with the prescribed technical specifications.

2. Procedures

The assessment procedures implemented by the notified bodies both at the design stage and the production stage are based on the modules defined in Council Decision 90/683/EEC of 13 December 1990[1] along the lines indicated in the following table.

The solutions shown in this table are considered to be equivalent and can be used at the manufacturer's discretion.

1 OJ No L 380, 31.12.1990

ASSESSMENT OF THE CONFORMITY OF THE COMPONENTS REFERRED TO IN ARTICLE 4	
DESIGN	**PRODUCTION**
[1] EC type-examination MODULE B	[1.a] Production quality assurance MODULE D [1.b] Product verification MODULE F
[2] Full quality assurance MODULE H*	[2] Full quality assurance MODULE H*
[3] Unit verification MODULE G	[3] Unit verification MODULE G

* Module H is used taking into account the supplementary conditions provided for pending possible additions, specific to cableway installations, to the pertinent EN 29000 series standards

MODULE B

EC type-examination

1. This module describes that part of the procedure by which a notified body ascertains and attests that a specimen, representative of the production envisaged, meets the provisions of the Directive that apply to it.

2. The application for the EC type-examination shall be lodged by the manufacturer or his authorized representative established within the Community with a notified body of his choice.

   The application shall include:

   - the name and address of the manufacturer and, if the application is lodged by the authorized representative, his name and address in addition,

   - a written declaration that the same application has not been lodged with any other notified body,

   - the technical documentation, as described in point 3.

   The applicant shall place at the disposal of the notified body a specimen, representative of the production envisaged and hereinafter called "type"(*) . The notified body may request further specimens if needed for carrying out the test programme.

3. The technical documentation shall enable the conformity of the component with the requirements of the Directive to be assessed. It shall, as far as relevant for such assessment, cover the design, manufacture and operation of the component.(**)

(*) A type may cover several versions of the component provided that the differences between the versions do not affect the level of safety and the other requirements concerning the performance of the component.

(**) The documentation shall contain as far as is relevant for assessment:
   - a general type-description,
   - conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
   - the descriptions and explanations necessary for understanding these drawings and diagrams and the operation of the product,
   - a list of the European specifications referred to in Article 3, applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements of the Directive where the standards referred to in Article 3 have not been applied,
   - the results of design calculations and tests carried out, etc.,
   - the test reports.

4. The notified body shall:

4.1 examine the technical documentation, verify that the type has been manufactured in conformity with the technical documentation and identify the elements which have been designed in accordance with the relevant provisions of the European specifications referred to in Article 3 as well as the components which have been designed without applying the relevant provisions of those European specifications;

4.2 perform or have performed the appropriate examination and necessary tests to check whether, where the manufacturer has chosen to apply the relevant European specifications, these have actually been applied;

4.3 agree with the applicant the location where the examinations and necessary tests shall be carried out.

5. Where the type meets the provisions of the Directive, the notified body shall issue an EC type-examination certificate to the applicant. The certificate shall contain the name and address of the manufacturer, conclusions of the examination, conditions for its validity and the necessary data for identification of the approved type.

A list of the relevant parts of the technical documentation shall be annexed to the certificate and a copy kept by the notified body.

If the manufacturer is denied a type certification, the notified body shall provide detailed reasons for such denial.

Provision shall be made for an appeals procedure.

6. The applicant shall inform the notified body that holds the technical documentation concerning the EC type-examination certificate of all modifications to the approved component which must receive additional approval where such changes may affect the conformity with the essential requirements of the prescribed conditions for use of the component. This additional approval is given in the form of an addition to the original EC type-examination certificate.

7. Each notified body shall communicate to the other notified bodies the relevant information concerning the EC type-examination certificates and additions issued and withdrawn.

8. The other notified bodies may receive copies of the EC type-examination certificates and/or their additions. The annexes to the certificates shall be kept at the disposal of the other notified bodies.

9. The manufacturer or his authorized representative shall keep with the technical documentation copies of EC type-examination certificates and their additions for a period ending at least 10 years after the last component has been manufactured.

   Where neither the manufacturer nor his authorized representative is established within the Community, the obligation to keep the technical documentation available shall be the responsibility of the person who places the component on the Community market.

MODULE D

Production quality assurance

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of point 2 ensures and declares that the components concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them. The manufacturer shall draw up a written declaration of conformity.

2. The manufacturer shall operate an approved quality system for production, final component inspection and testing as specified in paragraph 3 and shall be subject to monitoring as specified in point 4.

3. Quality system

3.1 The manufacturer shall lodge an application for assessment of his quality system with a notified body of his choice, for the components concerned.

The application shall include:

- all relevant information for the category of components envisaged;
- the documentation concerning the quality system;
- if applicable, the technical documentation of the approved type and a copy of the EC type-examination certificate.

3.2 The quality system shall ensure compliance of the components with the type described in the EC type-examination certificate and with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the quality programmes, plan, manuals and records.

It shall contain in particular an adequate description of:

- the quality objectives and the organizational structure, the responsibilities and powers of the management with regard to component quality;

- the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.;
- the means to monitor the achievement of the required component quality and the effective operation of the quality system.

3.3 The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with these requirements in respect of quality systems that implement the relevant harmonized standard(*).

The auditing team shall have at least one member with experience of evaluation of the component technology concerned. The evaluation procedure shall include an inspection visit to the manufacturer's premises.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

3.4 The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

The manufacturer or his authorized representative shall keep the notified body that has approved the quality system informed of any intended updating of the quality system.

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a re-assessment is required.

It shall notify its decision to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

(*) This harmonized standard will be EN 29 002, supplemented, if necessary, to take into account the specific nature of the components for which it is implemented.

4. Surveillance under the responsibility of the notified body

4.1 The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2 The manufacturer shall allow the notified body entrance for inspection purposes to the locations of manufacture, inspection, testing and storage, and shall provide it with all necessary information, in particular:

- the quality system documentation;

- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

4.3 The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.

4.4 Additionally the notified body may pay unexpected visits to the manufacturer. During such visits the notified body may carry out, or cause to be carried out, tests to verify that the quality system is functioning correctly, if necessary. The notified body shall provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer shall, for a period ending at least 10 years after the last component has been manufactured, keep at the disposal of the national authorities :

- the documentation referred to in the second indent of the second paragraph of point 3.1.;
- the updating referred to in the second paragraph of point 3.4.;
- the decisions and reports from the notified body which are referred to in the final paragraph of point 3.4 and in points 4.3 and 4.4.

6. Each notified body shall give the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

MODULE F

Product verification

1. This module describes the procedure whereby a manufacturer or his authorized representative established within the Community checks and attests that the components subject to the provisions of point 3 are in conformity with the type described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them.

2. The manufacturer shall take all measures necessary in order that the manufacturing process ensures conformity of the components with the type described in the EC type-examination certificate and with the requirements of the Directive that apply to them. He shall draw up a declaration of conformity.

3a) The notified body shall carry out or have carried out the appropriate examinations and tests in order to check the conformity of the components with the requirements of the Directive either by examination and testing of every component as specified in point 4 or by examination and testing of components on a statistical basis, as specified in point 5, at the choice of the manufacturer.

3b) The manufacturer or his authorized representative shall keep a copy of the declaration of conformity for a period ending at least 10 years after the last component has been manufactured.

4. Verification by examination and testing of every component

4.1. All components shall be individually examined and appropriate tests as set out in the relevant European specification(s) referred to in Article 3 shall be carried out in order to verify their conformity with the type described in the EC-type examination certificate and the requirements of the Directive that apply to them.

4.2. The notified body shall affix or cause to be affixed, its identification symbol to each approved component and draw up a written certificate of conformity relating to the tests carried out.

4.3. The manufacturer or his authorized representative shall ensure that he is able to supply the notified body's certificates of conformity on request.

5. Statistical verification

5.1. The manufacturer shall present his components in the form of homogeneous batches and shall take all measures necessary in order that the manufacturing process ensures the homogeneity of each batch produced.

5.2. All components shall be available for verification in the form of homogeneous batches. A random sample shall be drawn from each batch. Components in a sample shall be individually examined and appropriate tests as set out in the relevant European specification(s) referred to in Article 3 shall be carried out to ensure their conformity with the requirements of the Directive which apply to them and to determine whether the batch is accepted or rejected.

5.3. The statistical procedure shall use the following elements:

Relevant elements shall be defined in the European specifications such as, for example, the statistical method to be applied, the sampling plan with its operational characteristics, etc.

5.4. In the case of accepted batches, the notified body shall affix, or cause to be affixed, its identification symbol to each component and shall draw up a written certificate of conformity relating to the tests carried out. All components in the batch may be put on the market except those components from the sample which were found not to be in conformity.

If a batch is rejected, the notified body or the competent authority shall take appropriate measures to prevent the placing on the market of that batch. In the event of frequent rejection of batches the notified body may suspend the statistical verification.

The manufacturer may, under the responsibility of the notified body, affix the latter's identification symbol during the manufacturing process.

5.5. The manufacturer or his authorized representative shall ensure that he is able to supply the notified body's certificates of conformity on request.

MODULE G

Unit verification

1. This module describes the procedure whereby the manufacturer ensures and declares that the component concerned, which has been issued with the certificate referred to in point 2, conforms to the requirements of the Directive that apply to it. The manufacturer shall draw up a declaration of conformity.

2. The notified body shall examine the component and carry out the appropriate tests as set out in the relevant European specifications referred to in Article 3 to ensure its conformity with the relevant requirements of the Directive.

   The notified body shall affix, or cause to be affixed, its identification symbol on the approved component and shall draw up a certificate of conformity concerning the tests carried out.

3. The aim of the technical documentation is to enable conformity with the requirements of the Directive to be assessed and the design, manufacture and operation of the component to be understood.

   For the purposes of assessment, the documentation shall include the following :

   - a general description of the type, or of the single component,
   - design and manufacturing drawings as well as component, sub-assembly and circuit diagrams, etc.,
   - the descriptions and explanations necessary for understanding these drawings and diagrams and the operation of the component,
   - a list of the relevant European specifications referred to in Article 3,
   - the results of the design calculations and tests carried out, etc.,
   - the test reports.

MODULE H

Full quality assurance

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 2 ensures and declares that the components concerned satisfy the requirements of the Directive that apply to them. The manufacturer shall draw up a written declaration of conformity.

2. The manufacturer shall operate an approved quality system for design, manufacture and final component inspection and testing as specified in point 3 and shall be subject to surveillance as specified in point 4.

3. Quality system

3.1 The manufacturer shall lodge an application for assessment of his quality system with a notified body.

The application shall include:

- all relevant information for the category of component envisaged;
- the quality system's documentation;

3.2 The quality system shall ensure compliance of the components with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written measures, procedures and instructions. This quality system documentation shall ensure a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

- the quality objectives and the organizational structure, responsibilities and powers of the management with regard to design and component quality;
- the technical design specifications, including European specifications, that will be applied,
- the design control and design verification techniques, processes and systematic actions that will be used when designing the components pertaining to the category of components covered;

- the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,
- the means to monitor the achievement of the required design and component quality and the effective operation of the quality system.

3.3 The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume compliance with these requirements in respect of quality systems that implement the relevant harmonized standard.(*)

The auditing team shall have at least one member experienced as an assessor of the technology concerned. The evaluation procedure shall include an assessment visit to the the manufacturer's premises.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

3.4 The manufacturer shall undertake to fulfil the obligations arising from the quality system approved and to uphold it so that it remains adequate and efficient.

The manufacturer or his authorized representative shall keep the notified body that has approved the quality system informed of any intended updating of the quality system.

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a re-assessment is required.

It shall notify its decision to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

(*) This harmonized standard shall be EN 29001, completed if necessary to take into consideration the specificity of the components for which it is implemented.

4. EC surveillance under the responsibility of the notified body

4.1 The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2 The manufacturer shall allow the notified body entrance for inspection purposes to the locations of design, manufacture, inspection, testing and storage, and shall provide it with all necessary information, in particular:

- the quality system documentation;
- the quality records as foreseen by the design part of the quality system, such as results of analyses, calculations, tests, etc.;
- the quality records as foreseen by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

4.3 The notified body shall periodically carry out audits to ensure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.

4.4 Additionally the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality system where necessary; it shall provide the manufacturer with a visit report and, if a test has been carried out, with a test report.

5. The manufacturer shall, for a period ending at least 10 years after the last component has been manufactured, keep at the disposal of the national authorities :

- the documentation referred to in the second indent of the second subparagraph of point 3.1,
- the updating referred to in the second subparagraph of point 3.4,
- the decisions and reports from the notified body which are referred to in the final subparagraph of point 3.4 and in points 4.3 and 4.4.

6. Each notified body shall forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

7. Possible supplementary requirements(*)

Design examination

7.1 The manufacturer shall lodge an application for examination of the design with a notified body.

7.2 The application shall enable the design, manufacture and operation of the component to be understood, and shall enable conformity with the requirements of the Directive to be assessed.

It shall include:

- the technical design specifications, including the technical specifications that have been applied;
- the necessary supporting evidence for their adequacy. This supporting evidence shall include the results of tests carried out by the appropriate laboratory of the manufacturer or on his behalf.

7.3 The notified body shall examine the application and where the design meets the provisions of the Directive that apply to it, shall issue an EC design examination certificate to the applicant. The certificate shall contain the conclusions of the examination, conditions for its validity, the necessary data for identification of the approved design and, if relevant, a description of the component's functioning.

7.4 The applicant shall keep the notified body that issued the EC design examination certificate informed of any modification to the approved design. Modifications to the approved design must receive additional approval from the notified body that issued the EC design examination certificate where such changes may affect the conformity with the essential requirements of the Directive or the prescribed conditions for use of the component. This additional approval is given in the form of an addition to the original EC design examination certificate.

7.5 The notified bodies shall forward to the other notified bodies the relevant information concerning:

- the EC design examination certificates and additions issued;
- the EC design approvals and additional approvals withdrawn.

(*) Changes likely following the amendment of the pertinent EN 29 000 standards, in order to take account of the specific nature of the cableway installations.

ANNEX VI

INSTALLATIONS

EC DECLARATION OF CONFORMITY

The EC declaration of conformity and the accompanying documents must be dated and signed.

This declaration must be drawn up in the same language as the technical file and should contain the following particulars:

- the references of the Directive;
- name and address of the contracting entity or its authorized representative established in the Community. (Give the business name and full address, in the case of the authorized representative, together with the business name of the contracting entity);
- description of the installation;
- name and address of the notified body involved in the EC verification procedure referred to in Article 11;
- references of the documents contained in the technical dossier;
- all pertinent provisions (transitional or final) with which the installation must specifically comply and, where appropriate, any operating restrictions or conditions;
- if transitional: period of validity of the EC declaration;
- identification of the signatory.

ANNEX VII

INSTALLATIONS

EC VERIFICATION

1. EC verification is the procedure whereby, at the request of the contracting party or its authorized representative, a notified body checks and attests that an installation is:

   - completed;
   - in conformity with the plan;
   - in conformity with the provisions of the Directive;
   - in conformity with other regulatory provisions which apply in compliance with the EC Treaty and that, in the opinion of the notified body, it is fit to be put into service.

2. The installation shall be checked at each of the following stages:

   - overall design;
   - construction, including in particular civil engineering work, assembly of the components, adjustments to the overall installation;
   - acceptance trials.

3. The notified body responsible for EC verification shall draw up the certificate of conformity for the contracting entity or its authorized representative in the Community, which in turn shall draw up the EC declaration of conformity for the supervisory authority of the Member State in which the installation is located and/or operated.

4. The technical documentation accompanying the declaration of conformity shall comprise the following:

   - for the infrastructures: civil engineering work plans, the documents approving the excavations and reinforcements, reports on the testing and inspection of concrete;

   - for the other systems, general and detailed plans of the work done, electrical and hydraulic diagrams, control circuit diagrams, description of computer and automatic systems, operating and maintenance instructions, etc.;

   - list of the components referred to in Article 4 and incorporated in the cableway installation;

- copies of the EC declarations of conformity required for these components in accordance with the provisions of Article 10 of the Directive, together, where necessary, with the corresponding calculations and a copy of the reports on the tests and examinations conducted by the notified bodies on the basis of the common technical specifications;

- a certificate from the notified body responsible for EC verification attesting that the plan is in conformity with the provisions of this Directive, together with the corresponding authenticated calculations indicating, where necessary, any reservations expressed during performance of the work which still stand, accompanied by the inspection and audit reports prepared in the course of its work as referred to in points 5.3 and 5.4 below.

5. Surveillance

5.1 The purpose of EC surveillance is to ensure that during construction of the installation the obligations arising from the technical documentation are fulfilled.

5.2 The notified body responsible for inspecting construction shall have permanent access to the building site, to the production shops, to storage areas and, where necessary, to prefabrication areas, testing plants and more generally to any locations it feels it needs to visit in order to perform its task. The contracting entity or its authorized representative in the Community shall provide it with, or have it provided with, any documents required to this end, notably the plans and technical documentation relating to the installation.

5.3 The notified body responsible for checking construction shall periodically carry out audits to ensure compliance with the provisions of the Directive. On each visit it shall provide an audit report to the site supervisor. It may ask to be invited to inspect certain stages of the work.

5.4 In addition, the notified body may pay unscheduled visits to the site or the production shops. During such visits full or partial audits may be carried out by the notified body. The notified body shall draw up a report on the visit and, where necessary, shall submit an audit report to the site supervisor.

6. The full set of documents listed in point 4 shall be provided as supporting documentation for the certificate of conformity issued by the notified body responsible for acceptance of the installation in working order to the contracting entity or its authorized representative in the Community. The documentation shall be attached to the EC declaration of conformity which the contracting entity submits to the supervisory authority in the Member State concerned.

   A copy of the documentation shall be kept by the contracting entity throughout the working life of the installation and shall be communicated to the other Member States on request.

7. Each notified body shall publish periodically the relevant information concerning:
- the applications for EC verification received;
- the certificates of conformity issued;
- the certificates of conformity refused.

8. Files and correspondence relating to the EC verification procedures shall be drawn up in an official language of the Member State in which the contracting entity or its authorized representative in the Community is established, or in a language acceptable to it.

ANNEX VIII

MINIMUM CRITERIA TO BE TAKEN INTO ACCOUNT BY MEMBER STATES FOR THE NOTIFICATION OF BODIES

1. The body, its director and the staff responsible for carrying out the verification operations shall not be the designer, manufacturer, maker, supplier or installer of the components or sub-systems which they inspect, nor the authorized representative of any of these parties. They shall not become involved, either directly or as authorized representatives, in the design, manufacture, construction, marketing, maintenance or operation of these components or sub-systems. This does not preclude the possibility of exchanges of technical information between the manufacturer or maker and the body.

2. The body and its inspection staff shall carry out the verification operations with the highest degree of professional integrity and technical competence and shall be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of the inspection, especially from persons or groups of persons with an interest in the result of the verifications.

3. The body shall have at its disposal the necessary staff and possess the necessary facilities to enable it to perform properly the administrative and technical tasks connected with verification; it shall also have access to the equipment required for special verification.

4. The staff responsible for inspection shall have:

- sound technical and professional training;
- satisfactory knowledge of the requirements of the tests they carry out and adequate experience of such tests;
- the ability to draw up the certificates, records and reports required to authenticate the performance of the tests.

5. The impartiality of inspection staff shall be guaranteed. Their remuneration shall not depend on the number of tests carried out or on the results of such tests.

6. The body shall take out civil liability insurance unless its liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the inspections.

7. The staff of the body shall be bound by professional secrecy (except *vis-à-vis* the competent administrative authorities of the State in which its activities are carried out) with regard to all information gained in carrying out its tasks under this Directive or any provision of national law giving effect to it.

FINANCIAL STATEMENT

SECTION 1: FINANCIAL IMPLICATIONS

1. TITLE OF OPERATION

Proposal for a European Parliament and Council Directive relating to cableway installations designed to carry passengers.

2. BUDGET HEADING INVOLVED

B5 - 3000 Completing the internal market.

3. LEGAL BASIS

Article 100a of the EC Treaty.

4. DESCRIPTION OF OPERATION

4.1 Specific objectives of operation

To remove barriers to the use and entry into service of cableway installations designed to carry passengers or to the opening-up of public contracts in this field, to provide passengers, workers and third parties with equivalent safety standards throughout Europe and to protect the environment.

4.2 Duration

The budget requested concerns expenditure from 1993 on. The measure itself is an ad hoc operation concerned with management of the internal market.

4.3 Target population

Manufacturers of cableway installations, subcontractors, operators and users of such installations and national and local authorities.

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1 Compulsory/Non-compulsory expenditure

Non-compulsory

5.2 Differentiated/Non-differentiated appropriations

Differentiated

5.3 Type of revenue involved

No revenue

6. TYPE OF EXPENDITURE OR REVENUE

6.1 100% subsidy

No

6.2 Subsidy for joint financing with other sources in the public and/or private sector

Yes

6.3 Interest subsidy

No

6.4 Other

None

6.5 Should the operation prove an economic success, is there provision for all or part of the Community contribution to be reimbursed?

No

6.6 Will the proposed operation cause any change in the level of revenue? If so, what sort of change and what type of revenue is involved?

No

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation

Provision must be made in the budget for the resources required for the establishment of 13 standards for fields not yet covered, i.e. ECU 50 000 x 13 = ECU 650 000.

7.2 Itemized breakdown of cost

Breakdown	1994 budget	1995 Preliminary Draft Budget	Total
I. Standardization	ECU 250 000	ECU 400 000	ECU 650 000

7.3 Expenditure on studies, meetings of experts, etc. included in Part B

Item	Breakdown	1993 budget	1994 Preliminary Draft Budget	% variation
B5-3000	Study	ECU 25 000		
	Total	ECU 25 000		

8. FRAUD PREVENTION MEASURES

Provisions on inspections and, where appropriate, audits are included in the framework contract between the Commission and the CEN.

The Commission departments concerned verify the subsidies or receipt of the services, preparatory studies, feasibility studies or assessments ordered before payment, taking account of their contractual obligations and the principles of economy and sound financial or general management. Fraud prevention measures (inspections, reporting, etc.) are included in all the agreements or contracts concluded between the Commission and the parties which it pays.

SECTION 2: ADMINISTRATIVE EXPENDITURE (PART A OF THE BUDGET)

This section of the financial statement must be sent to DG IX for an opinion. DG IX will then forward it to DG XIX.

1. **Will the proposed operation involve an increase in the number of Commission staff? If so, how many?**

   No

2. **Indicate the number of staff and amount of administrative expenditure involved in the proposed operation.**

   Explain the method of calculation.

Item	Breakdown	1996 ECU	1997 ECU	1998 et seq. ECU
A2510	Committee	85 000	85 000	85 000
A250	Coordination **	85 000	85 000	85 000

* 12 government experts: ECU 7418 x 5 meetings = ECU 37 090

12 private experts: ECU 9420 x 5 meetings = ECU 47 100.

Method of calculation: ECU 618 per government expert
ECU 785 per private expert.

** Coordination of the notified bodies in accordance with the procedure provided for by Article 18.

SECTION 3: ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

1. Objectives

Specific objective(s) of proposed operation. Links with general objectives and the other operations proposed in the indicative financial programme.

As part of the programme to complete the internal market and to improve the competitiveness of this branch of industry, for which no standards have yet been set, the objective is to prepare the harmonized standards needed to implement the Directive and comply with the essential requirements.

2. Grounds for the operation - Subsidiarity and the need for Community measures

At the moment there are no common rules on cableway installations designed to carry passengers.

The objective of the operation proposed is to lay down the Community rules and harmonized standards required for the construction, putting into service and operation of cableway installations in the context of opening up the markets and promoting the competitiveness of the industry.

The regulations currently in force make it impossible for manufacturers to operate effectively throughout the Community market. The differences between the existing national legislation both on components and on the systems as a whole and between their specific requirements force manufacturers to redefine their products for each market, thus militating against rationalization and economies of scale.

Voluntary standardization by the parties concerned and mutual recognition of the national regulations cannot be contemplated. In practice, the lack of any common philosophy behind the regulations and of common criteria, without predefined essential requirements, preclude this.

This situation hampers opening up of the market.

2.1 Cost

2.2 Spin-off effect (impact beyond the specific objective(s))

2.3 Multiplier effect (ability to mobilize other sources of finance)

3. Monitoring and evaluation of the operation

Not applicable

4. Coherence with financial programming

4.1 Is the operation incorporated in the DG's financial programming for the relevant years?

Yes

4.2 To which broader objective defined in the DG's financial programming does the objective of the proposed operation correspond?

- internal market
- technical harmonization.

4.3 Main factors of uncertainty which could affect the specific results of the operation.

Not applicable

IMPACT ASSESSMENT FORM

THE IMPACT OF THE PROPOSAL ON BUSINESS

WITH SPECIAL REFERENCE TO SMALL AND MEDIUM-SIZED ENTERPRISES

TITLE OF PROPOSAL

European Parliament and Council Directive relating to cableway installations designed to carry passengers.

REFERENCE NUMBER:

THE PROPOSAL:

1. **Taking account of the principle of subsidiarity, why is Community legislation necessary in this area and what are its main aims?**

   At the moment there are no common rules on cableway installations designed to carry passengers.

   The objective of the operation proposed is to lay down the Community rules and harmonized standards required for the construction, putting into service and operation of cableway installations in the context of opening up the markets and promoting the competitiveness of the industry.

   The regulations currently in force make it impossible for manufacturers to operate effectively throughout the Community market. The differences between the existing national legislation both on components and on the systems as a whole and between their specific requirements force manufacturers to redefine their products for each market, thus militating against rationalization and economies of scale.

Voluntary standardization by the parties concerned and mutual recognition of the national regulations cannot be contemplated. In practice, the lack of any common philosophy behind the regulations and of common criteria, without predefined essential requirements, preclude this.

THE IMPACT ON BUSINESS

2. <u>Who will be affected by the proposal?</u>

- Which sectors of business?

  Consultants, designers and constructors of the installations, subcontractors and operators.

- Which sizes of business?

  Most of the undertakings concerned are small businesses.

- Structure of the sector in Europe in 1990

	Number of companies	Turnover (million ECU)	Jobs
EC	18	about 200	about 1500
Austria	9	about 100	about 1000
Switzerland	7	about 100	about 1000

- Are there particular geographical areas of the Community where these businesses are found?

  Most of the businesses manufacturing cableway installations are based in the Alps.

3. What will business have to do to comply with the proposal?

Producers will have to apply the statutory provisions, harmonized standards and conformity procedures.

The contracting entities will have to award their contracts on the basis of the harmonized standards.

Operators will have to comply with the statutory provisions, essential requirements and harmonized standards.

4. What economic effects is the proposal likely to have?

- On investment and the creation of new businesses:

  The turnover of ski resorts is about ten times the amount generated by operation of the cableway installations which, therefore, are the mainstay of tourist activities at these resorts and, as such, rank as part of the services sector. The proposal will contribute to the development of such resorts.

- On employment:

  Technically, the cableway installations sector is one of the capital goods industries and is linked to construction and civil engineering activities. The proposal will have a beneficial impact on all these activities, particularly on employment.

- On the competitive position of businesses:

  Creation of a Community reference framework favouring economies of scale will make European industry more competitive, not only in the Community but also on international markets.

  This will also allow small firms which, for lack of resources are currently restricted to their national or local market, to compete throughout the Community market on an equal footing with the three or four major manufacturers.

5. Does the proposal contain measures to take account of the specific situation of small and medium-sized firms?

Most undertakings in this sector are small firms.

6. List the organizations which have been consulted about the proposal and outline their main views

The government experts from the Member States, who are also involved in the CEN's standardization work, have expressed broad agreement with the need for a directive and with the approach chosen. In particular, they contributed to deciding the structure of the directive and of the essential requirements and to choosing the conformity assessment procedures.

The OITAF (International Organization for Transportation by Rope) supported the principle of adoption of a directive.

The IARM (International Association of Ropeway Manufacturers) stressed that the directive was in the interest of manufacturers, whose activities are currently curbed by the compartmentalization of the market due to the diverging legislation.

The FIANET (International Federation of Cableway Operators) stressed that the directive will contribute to creating an open, competitive market throughout the Community.

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