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*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
on cableway installations
(COM(2014)0187 – C7-0111/2014 – 2014/0107(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Antonio López-Istúriz White

Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on
cableway installations
(COM(2014)0187 – C7-0111/2014 – 2014/0107(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0187),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0111/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A8-0063/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) This Regulation applies to new cableway installations and covers subsystems and safety components which are new to the Union market when they are placed on the market; that is to say they are either new subsystem and safety components made by a manufacturer established in the Union or subsystems and safety components, whether new or

second-hand, imported from a third country. This Regulation does not apply to the relocation of cableway installations installed on the territory of the Union or to the relocation of subsystems or safety components that were incorporated into such installations, except where such relocation implies a major modification of the installation that would need administrative authorisation.

Amendment 2

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) Regulation (EU) No [.../...] [on market surveillance of products]¹⁶ provides detailed rules on market surveillance and on controls of products entering the Union from third countries, including subsystems and safety components. It also sets out a safeguard clause procedure. Member States are to organise and carry out market surveillance, appoint market surveillance authorities and specify their powers and duties. They are also to set up general and sector-specific market surveillance programs.

deleted

¹⁶ *OJ L [.....].*

Amendment 3

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) The scope of Directive 2000/9/EC should be maintained. This Regulation

(8) The scope of Directive 2000/9/EC should be maintained. This Regulation

should apply to cableway installations designed to transport persons used in **high-altitude** tourist resorts or in urban transport facilities. Cableway installations are mainly lift systems, such as funicular railways, aerial ropeways, cable cars, gondolas, chairlifts **and** drag lifts. Traction by cable and the passenger transport function are the essential criteria determining the cableway installations covered by this Regulation.

should apply to cableway installations designed to transport persons, **typically** used in tourist resorts or in urban transport facilities. Cableway installations are mainly lift systems, such as funicular railways, aerial ropeways, cable cars, gondolas, chairlifts drag lifts **and other installations for tourism or sport purposes**. Traction by cable and the passenger transport function are the essential criteria determining the cableway installations covered by this Regulation.

Amendment 4

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Cable-operated lifts, whether vertical or inclined, permanently serving specific levels of buildings and constructions **other than the** stations, are subject to specific Union legislation and should be excluded from the scope of this Regulation.

Amendment

(11) **Lifts, including** cable-operated lifts, whether vertical or inclined, permanently serving specific levels of buildings and constructions **and not operating between cableway** stations, are subject to specific Union legislation and should be excluded from the scope of this Regulation.

Amendment 5

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Cableway installations of historical construction, as identified by national law, and their subsystems and safety components should be excluded from the scope of this Regulation. Member States should ensure a high level protection of the health and safety of persons and of property concerning those cableway installations, if necessary through their national law.

Amendment 6

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The precautionary principle, as laid down in Article 191(2) TFEU and outlined inter alia in the Commission Communication of 2 February 2000 on the precautionary principle, is a fundamental principle for the safety of products and for the safety of consumers and should be taken into due account when laying down the criteria for assessing the safety of cableway installations and their infrastructure, subsystems and safety components.

Amendment 7

Proposal for a regulation Recital 15

Text proposed by the Commission

Amendment

(15) This Regulation does not affect the right of the Member States to specify the requirements they deem necessary as regards land-use, regional planning and in order to ensure the protection of the environment and of the health and safety of persons and in particular workers when using cableway installations.

(15) This Regulation does not affect the right of the Member States to specify the requirements they deem necessary as regards land-use, regional planning and in order to ensure the protection of the environment and of the health and safety of persons and in particular workers ***and operators*** when using cableway installations.

Amendment 8

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 apply to subsystems and safety components covered by this Regulation. This Regulation should not prevent Member States from choosing the competent authorities to carry out those tasks.

Amendment 9

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

(20) Member States should take the necessary steps to ensure that cableway installations enter into service only if they comply with this Regulation and they are not liable to endanger the health ***and*** safety of persons or property when properly installed, maintained and operated in accordance with their intended purpose.

(20) Member States should take the necessary steps to ensure that cableway installations enter into service only if they comply with this Regulation and they are not liable to endanger the health ***or*** safety of persons or property when properly installed, maintained and operated in accordance with their intended purpose.

Amendment 10

Proposal for a regulation Recital 25

Text proposed by the Commission

Amendment

(25) Subsystems and safety components should be allowed to be incorporated in a cableway installation provided that they permit the construction of cableway installations which comply with this Regulation and are not liable to endanger the health ***and*** safety of persons or property

(25) Subsystems and safety components should be allowed to be incorporated in a cableway installation provided that they permit the construction of cableway installations which comply with this Regulation and are not liable to endanger the health ***or*** safety of persons or property

when properly installed, maintained and operated in accordance with their intended purpose.

when properly installed, maintained and operated in accordance with their intended purpose.

Amendment 11

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) It is necessary to ensure that subsystems and safety components from third countries entering the Union market comply with the requirements of this Regulation, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those subsystems and safety components. Provision should therefore be made for importers to make sure that the subsystem or safety component they place on the market comply with the requirements of this Regulation and that they do not place on the market subsystems and safety components which do not comply with such requirements or present a risk. Provision should also be made for importers to make sure that conformity assessment procedures have been carried out and that subsystem and safety component marking and documentation drawn up by manufacturers are available for inspection by the competent *supervisory* authorities.

Amendment

(31) It is necessary to ensure that subsystems and safety components from third countries entering the Union market comply with the requirements of this Regulation, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those subsystems and safety components. Provision should therefore be made for importers to make sure that the subsystem or safety component they place on the market comply with the requirements of this Regulation and that they do not place on the market subsystems and safety components which do not comply with such requirements or present a risk. Provision should also be made for importers to make sure that conformity assessment procedures have been carried out and that subsystem and safety component marking and documentation drawn up by manufacturers are available for inspection by the competent *national* authorities.

Amendment 12

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) When placing on the market a

Amendment

(33) When placing on the market a

subsystem or a safety component, every importer should indicate on the subsystem or safety component his name, registered trade name or registered trade mark and the postal address at which he can be contacted. Exceptions should be provided for in cases where the size or nature of the safety component does not allow it. This includes cases where the importer would have to open the packaging to put his name and address on the safety component.

subsystem or a safety component, every importer should indicate on the subsystem or safety component his name, registered trade name or registered trade mark and the postal address at which he can be contacted, ***as well as a website where available***. Exceptions should be provided for in cases where the size or nature of the ***subsystem or*** safety component does not allow it. This includes cases where the importer would have to open the packaging to put his name and address on the ***subsystem or*** safety component. ***In such cases the information should be indicated on the packaging and in the instructions accompanying the safety component.***

Amendment 13

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) This Regulation should be limited to the expression of the essential requirements. In order to facilitate conformity assessment with those requirements it is necessary to provide for presumption of conformity for cableway installations which are in conformity with harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements, especially with regard to the design, construction and operation of cableway installations.

Amendment

(37) This Regulation should be limited to the expression of the essential requirements. In order to facilitate conformity assessment with those requirements it is necessary to provide for presumption of conformity for cableway installations, ***subsystems and safety components*** which are in conformity with harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements, especially with regard to the design, construction and operation of cableway installations.

Amendment 14

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) To ensure effective access to information for market surveillance purposes, the information required to identify all applicable Union acts for a subsystem or a safety component should be available in a single EU declaration of conformity.

Amendment

(41) To ensure effective access to information for market surveillance purposes, the information required to identify all applicable Union acts for a subsystem or a safety component should be available in a single EU declaration of conformity. ***In order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of the relevant individual declarations of conformity.***

Amendment 15

**Proposal for a regulation
Recital 43**

Text proposed by the Commission

(43) A check of compliance of subsystems and safety components with the essential requirements provided for in this Regulation is necessary in order to provide effective protection for users and third parties.

Amendment

(43) A check of compliance of subsystems and safety components with the essential requirements provided for in this Regulation is necessary in order to provide effective protection for ***operators***, users and third parties.

Amendment 16

**Proposal for a regulation
Recital 46**

Text proposed by the Commission

(46) Experience has shown that the criteria set out in Directive 2000/9/EC that conformity assessment bodies have to fulfil in order to be notified to the Commission are not sufficient to ensure a uniformly high level of performance of ***these*** bodies throughout the Union. It is, however, essential that all ***conformity assessment***

Amendment

(46) Experience has shown that the criteria set out in Directive 2000/9/EC that conformity assessment bodies have to fulfil in order to be notified to the Commission are not sufficient to ensure a uniformly high level of performance of ***notified*** bodies throughout the Union. It is, however, essential that all ***notified*** bodies

bodies perform their functions to the same level and under conditions of fair competition. That requires the setting of obligatory requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment services.

perform their functions to the same level and under conditions of fair competition. That requires the setting of obligatory requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment services.

Amendment 17

Proposal for a regulation

Recital 54

Text proposed by the Commission

(54) In the interests of competitiveness, it is crucial that **conformity assessment** bodies apply the conformity assessment procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, consistency in the technical application of the conformity assessment procedures needs to be ensured. That can best be achieved through appropriate coordination and cooperation between **conformity assessment** bodies.

Amendment

(54) In the interests of competitiveness, it is crucial that **notified** bodies apply the conformity assessment procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, consistency in the technical application of the conformity assessment procedures needs to be ensured. That can best be achieved through appropriate coordination and cooperation between **notified** bodies.

Amendment 18

Proposal for a regulation

Recital 54 a (new)

Text proposed by the Commission

Amendment

(54a) Directive 2000/9/EC already provides for a safeguard procedure which is necessary to allow the possibility for contesting the conformity of a subsystem or safety component. In order to increase transparency and to reduce processing time, it is necessary to improve the existing safeguard procedure, with a view to making it more efficient and drawing on the expertise available in the Member

States.

Amendment 19

Proposal for a regulation

Recital 54 b (new)

Text proposed by the Commission

Amendment

(54b) The existing system should be supplemented by a procedure under which interested parties are informed of measures intended to be taken with regard to subsystems and safety components presenting a risk to the health or safety of persons. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such subsystems and safety components.

Amendment 20

Proposal for a regulation

Recital 56 a (new)

Text proposed by the Commission

Amendment

(56a) When matters relating to this Regulation, other than its implementation or infringements, are being examined, i.e. in a Commission expert group, the European Parliament should in line with existing practice receive full information and documentation and an invitation to attend such meetings.

Amendment 21

Proposal for a regulation

Recital 57

Text proposed by the Commission

Amendment

(57) It is necessary to provide for

(57) It is necessary to provide for

transitional arrangements that allow the making available on the market and the **putting** into service of subsystems and safety components that have already been placed on the market in accordance with Directive 2000/9/EC.

transitional arrangements that allow the making available on the market and the **entry** into service, ***without the need to comply with further product requirements***, of subsystems and safety components that have already been placed on the market in accordance with Directive 2000/9/EC.

Amendment 22

Proposal for a regulation Recital 59

Text proposed by the Commission

(59) Member States should lay down rules on penalties applicable to infringements to this Regulation and ensure that they are **implemented**. **Those** penalties **must** be effective, proportionate and dissuasive.

Amendment

(59) Member States should lay down rules on penalties applicable to infringements to this Regulation and ensure that they are **enforced**. **The** penalties **provided for should** be effective, proportionate and dissuasive.

Amendment 23

Proposal for a regulation Recital 60

Text proposed by the Commission

(60) Since the objective of this Regulation, namely to ensure that cableway installations fulfil the requirements providing for a high level protection of and safety of **users** while guaranteeing the functioning of the internal market for subsystems and safety components cannot be sufficiently achieved by the Member States **and** can **therefore**, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not

Amendment

(60) Since the objective of this Regulation, namely to ensure that cableway installations fulfil the requirements providing for a high level protection of **health** and safety of **persons** while guaranteeing the functioning of the internal market for subsystems and safety components cannot be sufficiently achieved by the Member States **but** can **rather**, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article,

go beyond what is necessary in order to achieve that objective.

this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment 24

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

This Regulation lays down rules on the ***design and construction of cableway installations designed to transport persons*** and on the making available on the market and the free movement of subsystems and safety components for ***such*** installations.

Amendment

This Regulation lays down rules on the making available on the market and the free movement of subsystems and safety components for ***cableway installations. It also contains rules on the design, construction and entry into service of new cableway*** installations.

Amendment 25

Proposal for a regulation Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1a

The provisions of this Regulation are based on the precautionary principle.

Amendment 26

Proposal for a regulation Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) cable-operated tramways ***of traditional construction***;

Amendment

(b) ***cableway installations of historical construction, including*** cable-operated tramways, ***funicular railways and cliff railways, as identified by national law, including subsystems and safety components specifically designed for***

them;

Amendment 27

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) installations intended for agricultural purposes *and for the service of mountain shelters and huts that are not intended for the transport of the public;*

Amendment

(c) installations intended for agricultural *or forestry* purposes;

Amendment 28

Proposal for a regulation

Article 2 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) cableway installations for the service of mountain shelters and huts intended only for the transport of goods and specifically authorised persons;

Amendment 29

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) on-site or mobile equipment *for use in fairgrounds and/or amusement parks which are* exclusively designed for leisure purposes and not as a means for transporting persons;

Amendment

(d) on-site or mobile equipment exclusively designed for leisure *and amusement* purposes and not as a means for transporting persons;

Amendment 30

Proposal for a regulation

Article 3 – point 3

Text proposed by the Commission

(3) "infrastructure" means ***the layout, system data***, station structures and structures along the line especially designed for each installation and constructed on site and which are needed for the construction and the operation of the installation, including the foundations;

Amendment

(3) "infrastructure" means station structures and structures along the line especially designed for each ***cableway*** installation and constructed on site, ***which take into account the layout and the data of the system*** and which are needed for the construction and the operation of the ***cableway*** installation, including the foundations;

Amendment 31

**Proposal for a regulation
Article 3 – point 18**

Text proposed by the Commission

(18) "technical specification" means a document that prescribes technical requirements to be fulfilled by ***an*** installation, infrastructure, subsystem or safety component;

Amendment

(18) "technical specification" means a document that prescribes technical requirements to be fulfilled by ***a cableway*** installation, infrastructure, subsystem or safety component;

Amendment 32

**Proposal for a regulation
Article 3 – point 24**

Text proposed by the Commission

(24) "recall" means any measure aimed at achieving the return of a subsystem or a safety component that has already been ***incorporated into*** a cableway installation;

Amendment

(24) "recall" means any measure aimed at achieving the return of a subsystem or a safety component that has already been ***made available for the design and construction of*** a cableway installation;

Amendment 33

**Proposal for a regulation
Article 4 – paragraph 1**

Text proposed by the Commission

Amendment

(1) **Member States shall take all appropriate measures to ensure that** subsystems and safety components **are** made available on the market **only** if they satisfy the requirements of this Regulation.

(1) Subsystems and safety components **shall only be** made available on the market if they satisfy the requirements of this Regulation.

Amendment 34

**Proposal for a regulation
Article 4 – paragraph 2**

Text proposed by the Commission

Amendment

(2) **Member States shall take all appropriate measures, in accordance with Article 9, to determine the procedures to ensure that the subsystems and safety components are incorporated into cableway installations only if they enable the construction of cableway installations which satisfy the requirements of this Regulation and are not liable to endanger the health and safety of persons or property when properly incorporated, maintained and operated in accordance with their intended purpose.**

deleted

Amendment 35

**Proposal for a regulation
Article 5 – paragraph 1**

Text proposed by the Commission

Amendment

(1) Member States shall take all appropriate measures in accordance with Article 9, to determine the procedures to ensure that cableway installations enter into service only if they satisfy the requirements of this Regulation and they are not liable to endanger the health **and** safety of persons or property when properly installed, maintained and operated

(1) Member States shall take all appropriate measures in accordance with Article 9, to determine the procedures to ensure that cableway installations enter into service only if they satisfy the requirements of this Regulation and they are not liable to endanger the health **or** safety of persons or property when properly installed, maintained and operated

in accordance with their intended purpose.

in accordance with their intended purpose.

Amendment 36

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) Member States shall take all appropriate measures, in accordance with Article 9, to determine the procedures for ensuring that the subsystems and safety components are incorporated into cableway installations only if they enable the construction of cableway installations which satisfy the requirements of this Regulation and are not liable to endanger the health or safety of persons or property when properly incorporated, maintained and operated in accordance with their intended purpose.

Amendment 37

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

(2) Cableway installations which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the essential requirements covered by those standards or parts thereof, ***referred to in Annex II***.

(2) Cableway installations which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the essential requirements ***set out in Annex II*** covered by those standards or parts thereof.

Amendment 38

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. All planned installations shall be subject to a safety analysis as defined in Annex III which shall cover all safety aspects of the cableway installation and its environment in the context of the design, construction and entry into service and shall make it possible to identify from past experience risks liable to occur during the operation of the cableway installation.

Amendment

1. The person responsible for the cableway installation, determined by a Member State in accordance with national law, shall carry out a safety analysis of the planned cableway installation or have such safety analysis carried out.

Amendment 39

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

(2) The safety analysis shall be included in a safety report. That report shall recommend the measures envisaged to deal with such risks and include a list of the subsystems and safety components to be incorporated into the cableway installation.

Amendment

deleted

Amendment 40

Proposal for a regulation Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) The safety analysis required for every cableway installation shall take into account every mode of operation envisaged. The safety analysis shall follow a recognised or established method and take into account the current state of the art and the complexity of the cableway installation in question. The aim of that safety analysis shall be to ensure that the design and configuration of the cableway installation take into account the local

surroundings and the most adverse situations in order to ensure satisfactory safety conditions. The safety analysis shall cover all safety aspects of the cableway installation and its external factors in the context of the design, construction and entry into service and shall make it possible to identify, from past experience, risks liable to occur during the operation of the cableway installation.

Amendment 41

Proposal for a regulation Article 8 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2b) The safety analysis shall also cover the safety devices and their effect on the cableway installation and related subsystems that they bring into action so that either:

(a) they are capable of reacting to an initial breakdown or failure detected so as to remain either in a state that guarantees safety, in a lower operating mode or in a fail-safe state;

*(b) they are redundant and are monitored;
or*

(c) they are such that the probability of their failure can be evaluated and they are of a standard equivalent to that achieved by safety devices that meet the criteria in the first and second indents.

Safety analysis shall be used to draw up the inventory of risks and dangerous situations, to recommend the measures envisaged to deal with such risks and to determine the list of subsystems and safety components to be incorporated into the cableway installation. The result of the safety analysis shall be included in a safety report.

Amendment 42

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the safety analysis, the safety report, the EU declaration of conformity and the other documents relating to the conformity of subsystems and safety components as well as the documentation concerning the characteristics of the cableway installation **are submitted** to the authority responsible for approving the cableway installation. The documentation concerning the cableway installation shall also include the necessary conditions, including the restrictions on operation, and full details for servicing supervision, adjustment and maintenance of the cableway installation. A copy of those documents shall be kept at the cableway installation.

Amendment

2. The person responsible for the cableway installation, determined by a Member State in accordance with national law, shall submit the safety report, **as referred to in Article 8**, the EU declaration of conformity and the other documents relating to the conformity of subsystems and safety components as well as the documentation concerning the characteristics of the cableway installation to the authority **or body** responsible for approving the cableway installation. The documentation concerning the cableway installation shall also include the necessary conditions, including the restrictions on operation, and full details for servicing supervision, adjustment and maintenance of the cableway installation. A copy of those documents shall be kept at the cableway installation.

Amendment 43

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

(4) Member States shall not use the provisions referred to in paragraph 1 to prohibit, restrict or hinder, on grounds related to the aspects covered by this Regulation, the construction and the entry into service of cableway installations which comply with this Regulation and do not present a risk to the health **and** safety of persons or to property when properly

Amendment

(4) Member States shall not use the provisions referred to in paragraph 1 to prohibit, restrict or hinder, on grounds related to the aspects covered by this Regulation, the construction and the entry into service of cableway installations which comply with this Regulation and do not present a risk to the health **or** safety of persons or to property when properly

installed in accordance with their intended purpose.

installed in accordance with their intended purpose.

Amendment 44

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

(2) If a Member State finds that an approved cableway installation which is used in accordance with its intended purpose is liable to endanger the health **and** safety of persons **and, where appropriate,** property, it shall take all appropriate measures to restrict the conditions of operation of the cableway installation or to prohibit the operation thereof.

Amendment

(2) If a Member State finds that an approved cableway installation which is used in accordance with its intended purpose is liable to endanger the health **or** safety of persons, **or endanger** property, it shall take all appropriate measures to restrict the conditions of operation of the cableway installation or to prohibit the operation thereof.

Amendment 45

Proposal for a regulation Article 11 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Manufacturers shall ensure that **their** subsystems or safety components **are accompanied by the EU declaration of conformity and that they** bear a type, batch or serial number **or other element** allowing their identification.

Amendment

Manufacturers shall ensure that subsystems or safety components **which they have placed on the market** bear a type, batch or serial number allowing their identification.

Amendment 46

Proposal for a regulation Article 11 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Where the size or nature of the safety component does not allow it, manufacturers shall ensure that the required information is provided on the

Amendment

Where the size or nature of the **subsystem** **or** the safety component does not allow it, manufacturers shall ensure that the required information is provided on the

packaging **or** in the **instructions** accompanying the safety component.

packaging **and** in the **documents** accompanying the **subsystem or the** safety component.

Amendment 47

Proposal for a regulation Article 11 – paragraph 6

Text proposed by the Commission

(6) Manufacturers shall indicate on the subsystem or the safety component their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on the packaging and in the **instructions** accompanying the safety component. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by users and the market surveillance authorities as determined by the Member State concerned.

Amendment

(6) Manufacturers shall indicate on the subsystem or the safety component their name, registered trade name or registered trade mark and the postal address at which they can be contacted, **as well as a website where available** or, where that is not possible, on the packaging and in the **document** accompanying the **subsystem or the** safety component. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by users and the market surveillance authorities as determined by the Member State concerned.

Amendment 48

Proposal for a regulation Article 11 – paragraph 7

Text proposed by the Commission

(7) Manufacturers shall ensure that the subsystem or the safety component is accompanied by the EU **Declaration** of conformity and by instructions and safety information, in a language which can be easily understood by users, as determined by the Member State concerned. Such instructions and safety information shall be clear, understandable and intelligible.

Amendment

(7) Manufacturers shall ensure that the subsystem or the safety component is accompanied by **a copy of** the EU **declaration** of conformity and by instructions and safety information **as set out in Annex II, point 7.1.1**, in a language which can be easily understood by users, as determined by the Member State concerned. Such instructions and safety information shall be clear, understandable

and intelligible.

Amendment 49

Proposal for a regulation Article 11 – paragraph 8

Text proposed by the Commission

(8) Manufacturers who consider or have reason to believe that ***the*** a subsystem or a safety component which they have placed on the market is not in conformity with this Regulation shall immediately take the ***necessary*** corrective measures necessary to bring that subsystem or safety component into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the subsystem or the safety component presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the subsystem or the safety component available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment

(8) Manufacturers who consider or have reason to believe that a subsystem or a safety component which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that subsystem or safety component into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the subsystem or the safety component presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the subsystem or the safety component available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Amendment 50

Proposal for a regulation Article 11 – paragraph 9

Text proposed by the Commission

(9) Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the subsystem or the safety component with this Regulation, in a language which can be easily understood by that authority. ***That information and documentation may be provided in paper or electronic form.*** They shall cooperate with that authority, at its

Amendment

(9) Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation ***in paper or electronic form*** necessary to demonstrate the conformity of the subsystem or the safety component with this Regulation, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by the

request, on any action taken to eliminate the risks posed by the subsystems or safety components which they have placed on the market.

subsystems or safety components which they have placed on the market.

Amendment 51

Proposal for a regulation

Article 12 – paragraph 2 – point a

Text proposed by the Commission

(a) keep the EU declaration of conformity and the technical documentation at the disposal of national surveillance authorities for 30 years after the subsystem or the safety component has been placed on the market;

Amendment

(a) keep the EU declaration of conformity and the technical documentation at the disposal of national **market** surveillance authorities for 30 years after the subsystem or the safety component has been placed on the market;

Amendment 52

Proposal for a regulation

Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Before placing on the market a subsystem or a safety component, importers shall ensure that the appropriate conformity assessment procedure ***in accordance with*** Article 18 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the subsystem or the safety component is accompanied by the EU declaration of conformity, that it bears the CE marking and is accompanied by instructions and safety information and that the manufacturer has complied with the requirements set out in Article 11(5) and (6) ***respectively***.

Amendment

Before placing on the market a subsystem or a safety component, importers shall ensure that the appropriate conformity assessment procedure ***referred to in*** Article 18 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the subsystem or the safety component is accompanied by ***a copy of*** the EU declaration of conformity, that it bears the CE marking and is accompanied by instructions and safety information and that the manufacturer has complied with the requirements set out in Article 11(5) and (6).

Amendment 53

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

(3) Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted ***on the subsystem or the safety component*** or where that is not possible, on its packaging and in ***the instructions*** accompanying the safety component. The contact details shall be in a language easily understood by users and market surveillance authorities as determined by the Member State concerned.

Amendment

(3) Importers shall indicate ***on the subsystem or the safety component*** their name, registered trade name or registered trade mark and the postal address at which they can be contacted, ***as well as a website where available***, or where that is not possible, on its packaging and in ***a document*** accompanying ***the subsystem or the*** safety component. The contact details shall be in a language easily understood by users and market surveillance authorities as determined by the Member State concerned.

Amendment 54

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

(5) Importers shall ensure that, while a subsystem or a safety component is under their responsibility, storage or transport conditions do not jeopardise their compliance with the requirements set out in Annex II.

Amendment

(5) Importers shall ensure that, while a subsystem or a safety component is under their responsibility, storage or transport conditions do not jeopardise their compliance with the ***essential*** requirements set out in Annex II.

Amendment 55

Proposal for a regulation Article 13 – paragraph 6

Text proposed by the Commission

(6) When deemed appropriate with regard to the risks presented by a subsystem or a safety component, importers shall, to

Amendment

(6) When deemed appropriate with regard to the risks presented by a subsystem or a safety component, importers shall, to

protect the health and safety of the *users*, ***upon a duly justified request of the competent authorities***, carry out sample testing of subsystems or safety components made available on the market, investigate, and, if necessary, keep a register of complaints of nonconforming subsystems or safety components and recalls of such subsystems or safety components, and shall keep distributors informed of any such monitoring.

protect the health and safety of the *passengers, operating personnel and third parties*, carry out sample testing of subsystems or safety components made available on the market, investigate, and, if necessary, keep a register of complaints of nonconforming subsystems or safety components and recalls of such subsystems or safety components, and shall keep distributors informed of any such monitoring.

Amendment 56

Proposal for a regulation Article 13 – paragraph 9

Text proposed by the Commission

(9) Importers shall, further to a ***reasoned*** request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a subsystem or a safety component in a language which can be easily understood by that authority. ***That information and documentation may be provided in paper or electronic form.*** They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by subsystems or safety components which they have placed on the market.

Amendment

(9) Importers shall, further to a request from a competent national authority, provide it with all the information and documentation ***in paper or electronic form*** necessary to demonstrate the conformity of a subsystem or a safety component in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by subsystems or safety components which they have placed on the market.

Amendment 57

Proposal for a regulation Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Before making a subsystem or a safety component available on the market distributors shall verify that the subsystem or the safety component bears the CE

Amendment

Before making a subsystem or a safety component available on the market distributors shall verify that the subsystem or the safety component bears the CE

marking and it is accompanied by the EU declaration of conformity and by instructions and safety information in a language which can be easily understood by users as determined by the Member State concerned, and that the manufacturer and the importer have complied with the requirements set out in Article 11(5) and (6) and Article 13(3).

marking and it is accompanied by **a copy of** the EU declaration of conformity and by instructions and safety information in a language which can be easily understood by users as determined by the Member State concerned, and that the manufacturer and the importer have complied with the requirements set out in Article 11(5) and (6) and Article 13(3)..

Amendment 58

Proposal for a regulation Article 14 – paragraph 5

Text proposed by the Commission

(5) Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a subsystem or a safety component. ***That information and documentation may be provided in paper or electronic form.*** They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by the subsystem or the safety component which they have made available on the market.

Amendment

(5) Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation ***in paper or electronic form*** necessary to demonstrate the conformity of a subsystem or a safety component. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by the subsystem or the safety component which they have made available on the market.

Amendment 59

Proposal for a regulation Article 17

Text proposed by the Commission

Subsystems and safety components which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the essential requirements covered by those standards or parts thereof, ***set out in Annex***

Amendment

Subsystems and safety components which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the essential requirements ***set out in Annex II*** covered by those standards or parts

II.

thereof.

Amendment 60

Proposal for a regulation

Article 18 – paragraph 2 – point c

Text proposed by the Commission

(c) conformity based on full quality assurance (Module H), set out in Annex VIII.

Amendment

(c) conformity based on full quality assurance ***plus design examination*** (Module H ***I***), set out in Annex VIII.

Amendment 61

Proposal for a regulation

Article 18 – paragraph 5

Text proposed by the Commission

(5) Records and correspondence relating to conformity assessment shall be drawn up in the official language(s) of the Member State where the body carrying out the procedures referred to in paragraph 2 is established or in a language accepted by that body.

Amendment

(5) Records and correspondence relating to ***the*** conformity assessment ***procedures*** shall be drawn up in the official language(s) of the Member State where the body carrying out the procedures referred to in paragraph 2 is established or in a language accepted by that body.

Amendment 62

Proposal for a regulation

Article 19 – paragraph 2

Text proposed by the Commission

(2) The EU declaration of conformity shall have the model structure set out in Annex X and shall contain the elements specified in the relevant ***conformity assessment procedures*** set out in Annexes IV to VIII and shall be continuously updated. It shall accompany the subsystem or the safety component and shall be translated into the language or languages required by the

Amendment

(2) The EU declaration of conformity shall have the model structure set out in Annex X and shall contain the elements specified in the relevant ***modules*** set out in Annexes IV to VIII and shall be updated when the subsystem or safety component is placed on the market. It shall accompany the subsystem or the safety component and shall be translated into the language or

Member State in *whose market* the subsystem or the safety component is placed or made available on the market.

languages required by the Member State in *which* the subsystem or the safety component is placed or made available on the market.

Amendment 63

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

(1) The CE marking shall be affixed visibly, legibly and indelibly to the subsystem or the safety component or to their data plate.

Amendment

(1) The CE marking shall be affixed visibly, legibly and indelibly to the subsystem or the safety component or to their data plate. *Where that is not possible or not warranted on account of the nature of the subsystem or the safety component, it shall be affixed to the packaging and to the accompanying documents.*

Amendment 64

Proposal for a regulation Article 21 – paragraph 3

Text proposed by the Commission

(3) The CE marking shall be followed by the identification number of the notified body involved in the production control phase.

Amendment

(3) The CE marking shall be followed by the identification number of the notified body involved in the production control phase. *The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or his authorised representative.*

Amendment 65

Proposal for a regulation Article 21 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.

Amendment 66

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party conformity assessment tasks ***in accordance with Article 18.***

Amendment

Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party conformity assessment tasks ***under this Regulation.***

Amendment 67

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

(1) Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article 26.

Amendment

(1) Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article 28.

Amendment 68

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

(3) Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity that body shall be a legal entity and shall comply *mutatis mutandis* with the requirements laid down in Article **26(1) to (6)**. In addition it shall have arrangements to cover liabilities arising out of its activities.

Amendment

(3) Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity that body shall be a legal entity and shall comply *mutatis mutandis* with the requirements laid down in Article **24**. In addition it shall have arrangements to cover liabilities arising out of its activities.

Amendment 69

Proposal for a regulation
Article 25 – title

Text proposed by the Commission

Information obligation *of* notifying authorities

Amendment

Information obligation *on* notifying authorities

Amendment 70

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

(1) For the purposes of notification, a *notified* body shall meet the requirements laid down in paragraphs 2 to 11.

Amendment

(1) For the purposes of notification, a *conformity assessment* body shall meet the requirements laid down in paragraphs 2 to 11.

Amendment 71

Proposal for a regulation
Article 26 – paragraph 10

Text proposed by the Commission

(10) The personnel of a conformity assessment body shall observe professional

Amendment

(10) The personnel of a conformity assessment body shall observe professional

secrecy with regard to all information obtained in carrying out their tasks under Annexes IV to VIII or any provision of national law giving effect to **them**, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

secrecy with regard to all information obtained in carrying out their tasks under Annexes IV to VIII or any provision of national law giving effect to **it**, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

Amendment 72

Proposal for a regulation Article 27 – title

Text proposed by the Commission

Presumption of conformity

Amendment

Presumption of conformity **of notified bodies**

Amendment 73

Proposal for a regulation Article 30 – paragraph 6

Text proposed by the Commission

(6) The Commission and the other Member States **shall be notified** of any subsequent relevant changes to the notification.

Amendment

(6) **The notifying authority shall notify** the Commission and the other Member States of any subsequent relevant changes to the notification.

Amendment 74

Proposal for a regulation Article 31 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall make publicly available the list of the **notified** bodies under this Regulation, including the identification numbers that have been assigned to them and the activities for which they have been notified.

Amendment

The Commission shall make publicly available the list of the bodies **notified** under this Regulation, including the identification numbers that have been assigned to them and the activities for which they have been notified.

Amendment 75

Proposal for a regulation

Article 31 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall ensure that **that** list is kept up to date.

Amendment

The Commission shall ensure that **the** list is kept up to date.

Amendment 76

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

(1) Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 26 or that it is failing to fulfil its obligations, the notifying authority shall, **as appropriate**, restrict, suspend or withdraw the notification, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.

Amendment

(1) Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 26 or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification **as appropriate**, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.

Amendment 77

Proposal for a regulation

Article 33 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The implementing act **referred to in the first subparagraph** shall be adopted in accordance with the advisory procedure referred to in Article 39(2).

Amendment

That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 39(2).

Amendment 78

Proposal for a regulation Article 34 – paragraph 3

Text proposed by the Commission

(3) Where a notified body finds that essential requirements set out in Annex II or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a **conformity** certificate.

Amendment

(3) Where a notified body finds that essential requirements set out in Annex II or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a certificate **of conformity**.

Amendment 79

Proposal for a regulation Article 35

Text proposed by the Commission

Member States shall ensure that an appeal procedure against decisions **of notified bodies** is available.

Amendment

Notified bodies shall ensure that an appeal procedure against **their** decisions is available.

Amendment 80

Proposal for a regulation Article 36 – title

Text proposed by the Commission

Information obligation **of** notified bodies

Amendment

Information obligation **on** notified bodies

Amendment 81

Proposal for a regulation Article 38 – paragraph 1

Text proposed by the Commission

The Commission shall ensure that appropriate coordination and cooperation between bodies notified under this Regulation are put in place and properly operated in the form of *a sectoral* group *or groups* of notified bodies.

Amendment

The Commission shall ensure that appropriate coordination and cooperation between bodies notified under this Regulation are put in place and properly operated in the form of *the coordination* group of notified bodies *for cableway installations*.

Amendment 82

**Proposal for a regulation
Article 38 – paragraph 2**

Text proposed by the Commission

Member States shall ensure that the bodies notified by them participate in the work of that *or those* group *or groups*, directly or by means of designated representatives.

Amendment

Notified bodies shall participate in the work of that group, directly or by means of designated representatives.

Amendment 83

**Proposal for a regulation
Chapter IV a (new)**

Text proposed by the Commission

Amendment

CHAPTER IVa

**UNION MARKET SURVEILLANCE,
CONTROL OF SUBSYSTEMS AND
SAFETY COMPONENTS ENTERING
THE UNION MARKET AND UNION
SAFEGUARD PROCEDURE**

Amendment 84

**Proposal for a regulation
Article 38 a (new)**

Text proposed by the Commission

Amendment

Article 38a

***Union market surveillance and control of
subsystems and safety components
entering the Union market***

***Article 15(3) and Articles 16 to 29 of
Regulation (EC) No 765/2008 shall apply
to subsystems and safety components
covered by this Regulation.***

Amendment 85

**Proposal for a regulation
Article 38 b (new)**

Text proposed by the Commission

Amendment

Article 38b

***Procedure for dealing with subsystems or
safety components presenting a risk at
national level***

***1. Where the market surveillance
authorities of one Member State have
sufficient reason to believe that a
subsystem or safety component covered by
this Regulation presents a risk to the
health or safety of persons, they shall
carry out an evaluation in relation to the
subsystem or safety component concerned
covering all relevant requirements laid
down in this Regulation. The relevant
economic operators shall cooperate as
necessary with the market surveillance
authorities for that purpose.***

***Where, in the course of the evaluation
referred to in the first subparagraph, the
market surveillance authorities find that
the subsystem or safety component does
not comply with the requirements laid
down in this Regulation, they shall
without delay require the relevant
economic operator to take all appropriate
corrective actions to bring the subsystem***

or safety component into compliance with those requirements, to withdraw the subsystem or safety component from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as they may prescribe.

The market surveillance authorities shall inform the relevant notified body accordingly.

Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph of this paragraph.

2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.

3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the subsystems and safety components concerned that he has made available on the market throughout the Union.

4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the subsystems or safety components being made available on their national market, to withdraw the subsystem or safety component from that market or to recall it.

The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

5. The information referred to in the second subparagraph of paragraph 4 shall include all available details, in

particular the data necessary for the identification of the non-compliant subsystem or safety component, the origin of the subsystem or safety component, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following:

(a) failure of the subsystem or safety component to meet requirements relating to the health or safety of persons or the protection of property; or

(b) shortcomings in the harmonised standards referred to in Article 17 conferring a presumption of conformity.

6. Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the subsystem or safety component concerned, and, in the event of disagreement with the adopted national measure, of their objections.

7. Where, within three months of receipt of the information referred to in the second subparagraph of paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

8. Member States shall ensure that appropriate restrictive measures, such as withdrawal of the subsystem or safety component from the market, are taken in respect of the subsystem or safety component concerned without delay.

Amendment 86

Proposal for a regulation Article 38 c (new)

Text proposed by the Commission

Amendment

Article 38c

Union safeguard procedure

1. Where, on completion of the procedure set out in Article 38b(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

2. If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant subsystem or safety component is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.

3. Where the national measure is considered justified and the non-compliance of the subsystem or safety component is attributed to shortcomings in the harmonised standards referred to in point (b) of Article 38b(5) of this Regulation, the Commission shall apply

the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.

Amendment 87

Proposal for a regulation Article 38 d (new)

Text proposed by the Commission

Amendment

Article 38d

Compliant subsystems or safety components which present a risk to health or safety

1. Where, having carried out an evaluation under Article 38a(1), a Member State finds that although a subsystem or safety component is in compliance with this Regulation, it presents a risk to the health or safety of persons, it shall require the relevant economic operator to take all appropriate measures to ensure that the subsystem or safety component concerned, when placed on the market, no longer presents that risk, to withdraw the subsystem or safety component from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

2. The economic operator shall ensure that corrective action is taken in respect of all the subsystems or safety components concerned that he has made available on the market throughout the Union.

3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the subsystem or safety component concerned, the origin and the supply chain of the subsystem or safety component, the nature of the risk involved

and the nature and duration of the national measures taken.

4. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not and, where necessary, propose appropriate measures.

5. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

Amendment 88

Proposal for a regulation Article 38 e (new)

Text proposed by the Commission

Amendment

Article 38e

Formal non-compliance

1. Without prejudice to Article 38b, where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:

(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 21 of this Regulation;

(b) the CE marking has not been affixed;

(c) the identification number of the notified body involved in the production control phase has been affixed in violation of Article 21 or has not been affixed;

(d) the EU declaration of conformity does not accompany the subsystem or safety component;

(e) the EU declaration of conformity has not been drawn up;

(f) the EU declaration of conformity has not been drawn up correctly;

(g) the technical documentation is either not available or not complete.

(h) the information referred to in Article 11(6) or Article 13(3) is absent, false or incomplete;

(i) any other administrative requirement provided for in Article 11 or Article 13 is not fulfilled.

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the subsystem or safety component being made available on the market or ensure that it is recalled or withdrawn from the market.

Amendment 89

Proposal for a regulation Article 40 – paragraph 2

Text proposed by the Commission

The penalties provided for shall be effective, proportionate and dissuasive.

Amendment

The penalties provided for shall be effective, proportionate and dissuasive.
The penalties shall have regard to the seriousness, the duration and, where applicable, the intentional character of the infringement. In addition, the penalties shall have regard to whether the relevant economic operator has previously committed a similar infringement.

Amendment 90

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

Member States shall not impede the entry into service of cableway installations covered by Directive 2000/9/EC which are in conformity with that Directive and which were **constructed** before [the date referred to in Article 43(2)].

Amendment

Member States shall not impede the entry into service of cableway installations covered by Directive 2000/9/EC which are in conformity with that Directive and which were **installed** before [the date referred to in Article 43(2)].

Amendment 91

Proposal for a regulation Article 41 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

For safety components, certificates and approval decisions issued under Directive 2000/9/EC shall be valid under this Regulation.

Amendment 92

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

References to the repealed Directive shall be construed as references to this Regulation and shall be read with in accordance with the correlation table laid down in **Annex X**.

Amendment

References to the repealed Directive shall be construed as references to this Regulation and shall be read with in accordance with the correlation table laid down in **Annex XI**.

Amendment 93

Proposal for a regulation Article 43 – paragraph 3

Text proposed by the Commission

By way of derogation from paragraph 2, Articles 22 to **38** shall apply from [six months after entry into force].

Amendment

By way of derogation from paragraph 2, Articles 22 to **35 and Articles 39 and 40(3)** shall apply from [six months after entry into force].

Amendment 94

Proposal for a regulation
Annex II – point 1

Text proposed by the Commission

This Annex sets out the essential requirements, including maintainability and operability, applicable to the design, construction and entry into service of cableway installations.

Amendment

This Annex sets out the essential requirements, including maintainability and operability, applicable to the design, construction and entry into service of cableway installations, **and applicable to subsystems and safety components**.

Amendment 95

Proposal for a regulation
Annex II – part 4 – point 4.2 – point 4.2.3 – point 4.2.3.3

Text proposed by the Commission

4.2.3.3. In all cableway installations there shall be two or more braking systems, each capable of bringing the cableway 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 shall act **directly on** the driving pulley. These provisions do not apply to drag lifts.

Amendment

4.2.3.3. In all cableway installations there shall be two or more braking systems, each capable of bringing the cableway installation to a halt, and coordinated in such a way that they automatically replace the active system when its efficiency becomes inadequate. The **installation's** last braking system shall act **as close as possible to the traction cable, or on one or several pulleys including** the driving pulley **or in the vehicle**. These provisions do not apply to drag lifts.

Amendment 96

Proposal for a regulation Annex III

Text proposed by the Commission

Amendment

ANNEX III

deleted

SAFETY ANALYSIS

The safety analysis required according to Article 8 for every cableway installation shall take into account every mode of operation envisaged. The analysis shall follow a recognised or established method and take into account the current state of the art and the complexity of the cableway installation in question. The aim is also to ensure that the design and configuration of the cableway installation should take account of the local surroundings and the most adverse situations in order to ensure satisfactory safety conditions.

The safety analysis shall also cover the safety devices and their effect on the cableway installation and related subsystems that they bring into action so that either:

- they are capable of reacting to an initial breakdown or failure detected so as to remain either in a state that guarantees safety, in a lower operating mode or in a fail-safe state,*
- they are redundant and are monitored,*
or
- they are such that the probability of their failure can be evaluated and they are of a standard equivalent to that achieved by safety devices that meet the criteria in the first and second indents.*

Safety analysis must be used to draw up the inventory of risks and dangerous situations in accordance with Article 8(1) and to determine the list of safety components referred to in Article 8(2) thereof. The result of the safety analysis

shall be summarised in a safety report.

Amendment 97

Proposal for a regulation

Annex IV – point 1

Text proposed by the Commission

1. EU type-examination is the part of a conformity assessment procedure in which a ***notified body*** examines the technical design of a subsystem or a safety component and verifies and attests that ***it*** meets the requirements of this Regulation.

Amendment

1. EU type-examination is the part of a conformity assessment procedure in which a ***notified body*** examines the technical design of a subsystem or a safety component and verifies and attests that ***the technical design*** meets the requirements of this Regulation ***that apply to it***.

Justification

Alignment to NLF

Amendment 98

Proposal for a regulation

Annex IV – point 2

Text proposed by the Commission

2. EU-type examination is carried out by assessment of the adequacy of the technical design of the subsystem or the safety component through examination of the technical documentation ***and supporting evidence*** referred to in point 3, plus examination of a specimen, representative of the production envisaged, of the complete subsystem or safety component (production type).

Amendment

2. EU-type examination is carried out by assessment of the adequacy of the technical design of the subsystem or the safety component through examination of the technical documentation referred to in point 3, plus examination of a specimen, representative of the production envisaged, of the complete subsystem or safety component (production type).

Amendment 99

Proposal for a regulation

Annex IV – point 4 – point 4.1

Text proposed by the Commission

4.1. examine the technical documentation ***and supporting evidence*** to assess the adequacy of the technical design of the subsystem or the safety component;

Amendment

4.1. examine the technical documentation to assess the adequacy of the technical design of the subsystem or the safety component;

Amendment 100

Proposal for a regulation

Annex IV – point 4 – point 4.3

Text proposed by the Commission

4.3. where the manufacturer has applied the specifications of the relevant harmonised standards, carry out the appropriate examinations and tests, or have them carried out, to check whether these have been applied correctly;

Amendment

deleted

Amendment 101

Proposal for a regulation

Annex IV – point 5

Text proposed by the Commission

5. The notified body shall draw up an evaluation report that records the activities undertaken in accordance with point ***1.4*** and their outcomes. Without prejudice to its obligations vis-à-vis the notifying authorities, the notified body shall release the content of that report, in full or in part, only with the agreement of the manufacturer.

Amendment

5. The notified body shall draw up an evaluation report that records the activities undertaken in accordance with point ***4*** and their outcomes. Without prejudice to its obligations vis-à-vis the notifying authorities, the notified body shall release the content of that report, in full or in part, only with the agreement of the manufacturer.

Amendment 102

Proposal for a regulation

Annex IV – point 6 – paragraph 1

Text proposed by the Commission

The certificate and its annexes shall contain all relevant information to allow the conformity of manufactured subsystems and safety components with the examined type to be evaluated and to allow for in-service control.

Amendment

The ***EU-type examination*** certificate and its annexes shall contain all relevant information to allow the conformity of manufactured subsystems and safety components with the examined type to be evaluated and to allow for in-service control. ***It shall also indicate any conditions to which its issue may be subject and be accompanied by the descriptions and drawings necessary for identification of the approved type.***

Amendment 103

**Proposal for a regulation
Annex IV – point 8 – paragraph 1**

Text proposed by the Commission

8. Each notified body shall inform its notifying ***authorities and the other notified bodies*** concerning the EU-type examination certificates and/or any additions thereto which it has issued.

Amendment

8. Each notified body shall inform its notifying ***authority*** concerning the EU-type examination certificates and/or any additions thereto which it has issued ***or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of such certificates and/or any additions thereto refused, suspended or otherwise restricted.***

Amendment 104

**Proposal for a regulation
Annex IV – point 8 – paragraph 2**

Text proposed by the Commission

The notified body which refuses to issue or withdraws, suspends or otherwise restricts an EU-type examination certificate must inform its notifying authorities and the other notified bodies accordingly, giving the reasons for its

Amendment

Each notified body shall inform the other notified bodies concerning the EU-type examination certificates and/or any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, concerning

decision.

such certificates and/or additions thereto which it has issued.

Amendment 105

Proposal for a regulation

Annex IV – point 8 – paragraph 3

Text proposed by the Commission

The Commission, the Member States and the other notified bodies may, on request, obtain a copy of the EU-type examination certificates and/or additions thereto. On request, the Commission and the Member States may obtain a copy of the technical documentation and the results of the examinations carried out by the notified body. The notified body shall keep a copy of the EU-type examination certificate, its annexes and additions, as well as the technical file including the documentation submitted by the manufacturer, until the expiry of the validity of *the* certificate.

Amendment

The Commission, the Member States and the other notified bodies may, on request, obtain a copy of the EU-type examination certificates and/or additions thereto. On request, the Commission and the Member States may obtain a copy of the technical documentation and the results of the examinations carried out by the notified body. The notified body shall keep a copy of the EU-type examination certificate, its annexes and additions, as well as the technical file including the documentation submitted by the manufacturer, until the expiry of the validity of *that* certificate.

Amendment 106

Proposal for a regulation

Annex V – point 1

Text proposed by the Commission

1. Conformity to type based on quality assurance of the production process is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in *points 2.2 and 2.5*, and ensures and declares on his sole responsibility that the subsystems or safety components concerned are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of this Regulation that apply to them.

Amendment

1. Conformity to type based on quality assurance of the production process is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in *points 2 and 5*, and ensures and declares on his sole responsibility that the subsystems or safety components concerned are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of this Regulation that apply to them.

Amendment 107

Proposal for a regulation

Annex V – point 2 – paragraph 1

Text proposed by the Commission

The manufacturer shall operate an approved quality system for production, final product inspection and testing of the subsystems or safety components concerned as specified in **point 2.3**, and shall be subject to surveillance as specified in **point 2.4**.

Amendment

The manufacturer shall operate an approved quality system for production, final product inspection and testing of the subsystems or safety components concerned as specified in **point 3**, and shall be subject to surveillance as specified in **point 4**.

Amendment 108

Proposal for a regulation

Annex V – point 3 – point 3.3 – paragraph 2

Text proposed by the Commission

The audit shall include an assessment visit to the premises where the subsystems or the safety components are manufactured, inspected and tested.

Amendment

deleted

Amendment 109

Proposal for a regulation

Annex V – point 5 – point 5.1

Text proposed by the Commission

5.1. The manufacturer shall affix the CE marking and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number to each individual subsystem or safety component that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation. ***If the notified body agrees and under its responsibility, the manufacturer may affix the notified body's identification number***

Amendment

5.1. The manufacturer shall affix the CE marking and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number to each individual subsystem or safety component that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

to the subsystems or safety components during the manufacturing process.

Amendment 110

Proposal for a regulation

Annex V – point 5 – point 5.2 – paragraph 1

Text proposed by the Commission

5.2. The manufacturer shall draw up a written EU declaration of conformity for each subsystem or safety component and keep it at the disposal of the national authorities for 30 years after the subsystem or the safety component has been placed on the market. The EU declaration of conformity shall identify the subsystem or safety component model for which it has been drawn up.

Amendment

5.2. The manufacturer shall draw up a written EU declaration of conformity for each subsystem or safety component ***model*** and keep it at the disposal of the national authorities for 30 years after the subsystem or the safety component has been placed on the market. The EU declaration of conformity shall identify the subsystem or safety component model for which it has been drawn up.

Amendment 111

Proposal for a regulation

Annex V – point 7 – paragraph 1

Text proposed by the Commission

7. Each notified body shall inform its notifying ***authorities*** of quality system approvals withdrawn, and shall, periodically or upon request, make available to its notifying ***authorities*** ***information related to*** quality system ***assessments***.

Amendment

7. Each notified body shall inform its notifying ***authority*** of quality system approvals ***issued or*** withdrawn, and shall, periodically or upon request, make available to its notifying ***authority the list of*** quality system ***approvals refused, suspended or otherwise restricted***.

Amendment 112

Proposal for a regulation

Annex V – point 7 – paragraph 2

Text proposed by the Commission

Each notified body shall inform the other notified bodies of quality system approvals

Amendment

Each notified body shall inform the other notified bodies of quality system approvals

which it has refused, suspended, withdrawn or otherwise restricted, giving the reasons for its decision.

which it has refused, suspended, withdrawn or otherwise restricted, giving the reasons for its decision, ***and, upon request, of quality system approvals which it has issued.***

On request, the notified body shall provide the Commission and the Member States with a copy of quality system approval decision(s) issued.

The notified body shall keep a copy of each approval decision issued, its annexes and additions.

Amendment 113

Proposal for a regulation Annex VI – point 1

Text proposed by the Commission

1. Conformity to type based on subsystem or safety component verification is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 3.2, 3.5.1 and 3.6, and ensures and declares on his sole responsibility that the subsystems or safety components concerned, which have been subject to the provisions of point 3.3, are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of this Regulation.

Amendment

1. Conformity to type based on subsystem or safety component verification is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 3.2, 3.5.1 and 3.6, and ensures and declares on his sole responsibility that the subsystems or safety components concerned, which have been subject to the provisions of point 3.3, are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of this Regulation ***that apply to them.***

Amendment 114

Proposal for a regulation Annex VI – point 2

Text proposed by the Commission

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured

Amendment

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured

subsystems or safety components with the approved type described in the EU-type examination certificate and with the requirements of this Regulation.

subsystems or safety components with the approved type described in the EU-type examination certificate and with the requirements of this Regulation *that apply to them*.

Amendment 115

Proposal for a regulation Annex VI – point 3 – point 3.1

Text proposed by the Commission

Amendment

3.1. The manufacturer shall lodge an application for subsystem or safety component verification with the notified body of his choice.

deleted

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;**
- (b) a written declaration that the same application has not been lodged with any other notified body;**
- (c) all relevant information for the subsystems or safety components approved under module B;**
- (d) the technical documentation of the approved type and a copy of the EU-type examination certificate(s);**
- (e) details of the premises where the subsystem or the safety component (is manufactured) can be examined.**

Amendment 116

Proposal for a regulation Annex VI – point 3 – point 3.2 – paragraph 1

Text proposed by the Commission

Amendment

3.2 The notified body shall carry out

3.2 The notified body *chosen by the*

appropriate examinations and tests, **or have them carried out**, in order to check the conformity of the subsystems or safety components with the approved type described in the EU-type examination certificate and with the appropriate requirements of this Regulation.

manufacturer shall carry out appropriate examinations and tests in order to check the conformity of the subsystems or safety components with the approved type described in the EU-type examination certificate and with the appropriate requirements of this Regulation.

Amendment 117

Proposal for a regulation Annex VI – point 5 – point 5.2

Text proposed by the Commission

5.2. A random sample shall be taken from each lot according to the requirements of this Regulation. All the subsystems or safety components in the sample shall be individually examined and appropriate tests set out in the relevant harmonised standard(s) and/or technical specifications, or equivalent tests, shall be carried out in order to ensure their conformity with the approved type described in the EU-type examination certificate and with the applicable requirements of this Regulation **in order** to determine whether the lot is accepted or rejected. In the absence of such a harmonised standard, the notified body concerned shall decide on the appropriate tests to be carried out.

Amendment

5.2. A random sample shall be taken from each lot according to the requirements of this Regulation. All the subsystems or safety components in the sample shall be individually examined and appropriate tests set out in the relevant harmonised standard(s) and/or technical specifications, or equivalent tests, shall be carried out in order to ensure their conformity with the approved type described in the EU-type examination certificate and with the applicable requirements of this Regulation **and** to determine whether the lot is accepted or rejected. In the absence of such a harmonised standard, the notified body concerned shall decide on the appropriate tests to be carried out.

Amendment 118

Proposal for a regulation Annex VI – point 6 – point 6.1

Text proposed by the Commission

6.1. The manufacturer shall affix the CE marking and, under the responsibility of the notified body referred to in point 3, the latter's identification number to each individual subsystem or safety component that is in conformity with the approved

Amendment

6.1. The manufacturer shall affix the CE marking and, under the responsibility of the notified body referred to in point 3, the latter's identification number to each individual subsystem or safety component **model** that is in conformity with the

type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

approved type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

Amendment 119

Proposal for a regulation

Annex VI – point 6 – point 6.2 – paragraph 1

Text proposed by the Commission

6.2. The manufacturer shall draw up a written EU declaration of conformity for each subsystem or safety component and keep it at the disposal of the national authorities, for 30 years after the subsystem or the safety component has been placed on the market. The EU declaration of conformity shall identify the subsystem or safety component for which it has been drawn up.

Amendment

6.2. The manufacturer shall draw up a written EU declaration of conformity for each subsystem or safety component and keep it at the disposal of the national authorities, for 30 years after the subsystem or the safety component has been placed on the market. The EU declaration of conformity shall identify the subsystem or safety component **model** for which it has been drawn up.

Amendment 120

Proposal for a regulation

Annex VI – point 6 – point 6.2 – paragraph 4

Text proposed by the Commission

A copy of the EU declaration of conformity shall be made available upon request. If the notified body referred to in point 3 agrees and under its responsibility, the manufacturer may also affix the notified body's identification number to the subsystems or safety components.

Amendment

If the notified body referred to in point 3 agrees and under its responsibility, the manufacturer may also affix the notified body's identification number to the subsystems or safety components.

Amendment 121

Proposal for a regulation

Annex VI – point 8 – paragraph 1

Text proposed by the Commission

The manufacturer's obligations set out in

Amendment

The manufacturer's obligations set out in

points 2 and 5.1 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

points 2 and 5.1 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate. ***An authorised representative may not fulfil the manufacturer's obligations set out in points 2 and 5.1.***

Amendment 122

Proposal for a regulation Annex VII – point 1

Text proposed by the Commission

1. Conformity based on unit verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 4.2, 4.3 and 4.5, and ensures and declares on his sole responsibility that the subsystem or safety component concerned, which has been subject to the provisions of point 4.4, is in conformity with the requirements of this Regulation.

Amendment

1. Conformity based on unit verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 4.2, 4.3 and 4.5, and ensures and declares on his sole responsibility that the subsystem or safety component concerned, which has been subject to the provisions of point 4.4, is in conformity with the requirements of this Regulation ***that apply to it.***

Amendment 123

Proposal for a regulation Annex VII – point 3 – point 3.1

Text proposed by the Commission

3.1. The manufacturer shall lodge an application for unit verification of a subsystem or a safety component with the notified body of his choice.

The application shall include:

(a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;

(b) a written declaration that the same application has not been lodged with any

Amendment

deleted

other notified body;

(c) the technical documentation for the subsystem or the safety component according to Annex IX;

(d) details of the premises where the subsystem or the safety component (is manufactured) can be examined.

Amendment 124

Proposal for a regulation

Annex VII – point 3 – point 3.2 – paragraph 1

Text proposed by the Commission

3.2 The notified body shall examine the technical documentation for the subsystem or the safety component and shall carry out the appropriate examinations and tests, *as* set out in the relevant harmonised standards and/or technical specifications, or equivalent tests, to *ensure its* conformity with the applicable requirements of this Regulation, or have them carried out. In the absence of such a harmonised standard and/or technical specification the notified body concerned shall decide on the appropriate tests to be carried out.

Amendment

3.2 The notified body shall examine the technical documentation for the subsystem or the safety component and shall carry out the appropriate examinations and tests, set out in the relevant harmonised standards and/or technical specifications, or equivalent tests, to *check the* conformity with the applicable requirements of this Regulation, or have them carried out. In the absence of such a harmonised standard and/or technical specification the notified body concerned shall decide on the appropriate tests to be carried out.

Amendment 125

Proposal for a regulation

Annex VII – point 3 – point 3.2 – paragraph 3

Text proposed by the Commission

If the notified body refuses to issue a certificate of conformity, it shall state in detail the reasons for the refusal and indicate the necessary corrective measures to be taken.

Amendment

deleted

Amendment 126

Proposal for a regulation

Annex VII – point 3 – point 3.2 – paragraph 4

Text proposed by the Commission

Amendment

When the manufacturer reapplies for unit verification of the subsystem or the safety component concerned, he shall apply to the same notified body.

deleted

Amendment 127

Proposal for a regulation

Annex VII – point 3 – point 3.2 – paragraph 5

Text proposed by the Commission

Amendment

On request, the notified body shall provide the Commission and the member States with a copy of the certificate of conformity.

deleted

Amendment 128

Proposal for a regulation

Annex VII – point 3 – point 3.2 – paragraph 6

Text proposed by the Commission

Amendment

The manufacturer shall keep the technical documentation and **a copy of** the certificate of conformity at the disposal of the national authorities for 30 years after the subsystem or the safety component has been placed on the market.

The manufacturer shall keep the technical documentation and the certificate of conformity at the disposal of the national authorities for 30 years after the subsystem or the safety component has been placed on the market.

Amendment 129

Proposal for a regulation

Annex VIII – heading

Text proposed by the Commission

Amendment

CONFORMITY ASSESSMENT
PROCEDURES FOR SUBSYSTEMS
AND SAFETY COMPONENTS:
MODULE **H**: CONFORMITY BASED
ON FULL QUALITY ASSURANCE

CONFORMITY ASSESSMENT
PROCEDURES FOR SUBSYSTEMS
AND SAFETY COMPONENTS:
MODULE **HI**: CONFORMITY BASED
ON FULL QUALITY ASSURANCE
PLUS DESIGN EXAMINATION

Amendment 130

Proposal for a regulation Annex VIII – point 1

Text proposed by the Commission

Amendment

1. Conformity based on full quality assurance is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2 and 5, and ensures and declares on his sole responsibility that the subsystems or safety components concerned satisfy the requirements of this Regulation.

1. Conformity based on full quality assurance ***plus design examination*** is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2 and 5, and ensures and declares on his sole responsibility that the subsystems or safety components concerned satisfy the requirements of this Regulation ***that apply to them***.

Amendment 131

Proposal for a regulation Annex VIII – point 3 – point 3.1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) all necessary information on the subsystems or safety components to be manufactured;

deleted

Amendment 132

Proposal for a regulation Annex VIII – point 3 – point 3.1 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) details of the premises where the subsystems or safety components are designed, manufactured, inspected and tested;

deleted

Amendment 133

Proposal for a regulation

Annex VIII – point 3 – point 3.3 – paragraph 2

Text proposed by the Commission

Amendment

The audit shall include an assessment visit to the premises where the subsystems or the safety components are designed, manufactured, inspected and tested.

deleted

Amendment 134

Proposal for a regulation

Annex VIII – point 3 – point 3.3 – paragraph 3

Text proposed by the Commission

Amendment

In addition to experience in quality management systems, the auditing team shall have at least one member experienced as assessor in the field of cableway installations and in the technology of the subsystems or safety components concerned, and knowledge of the applicable requirements of this Regulation. The auditing team shall review the technical documentation referred to in point 3.1 to verify the manufacturer's ability to identify the applicable requirements of this Regulation and to carry out the necessary examinations with a view to ensuring compliance of the subsystems or the safety components with those requirements.

In addition to experience in quality management systems, the auditing team shall have at least one member experienced as assessor in the field of cableway installations and in the technology of the subsystems or safety components concerned, and knowledge of the applicable requirements of this Regulation. ***The audit shall include an assessment visit to the premises where the subsystems or the safety components are designed, manufactured, inspected and tested.*** The auditing team shall review the technical documentation referred to in point 3.1 to verify the manufacturer's ability to identify the applicable requirements of this Regulation and to carry out the necessary examinations with a view to ensuring compliance of the subsystems or the safety

components with those requirements.

Amendment 135

Proposal for a regulation

Annex VIII – point 3 – point 3.3 – paragraph 5

Text proposed by the Commission

The ***notified body shall notify its decision to the manufacturer or his authorised representative.*** The notification shall contain the conclusions of the audit and the reasoned assessment decision.

Amendment

The ***manufacturer or his authorised representative shall be notified of the decision.*** The notification shall contain the conclusions of the audit and the reasoned assessment decision.

Amendment 136

Proposal for a regulation

Annex VIII – point 3 – point 3.5 – paragraph 3

Text proposed by the Commission

It ***shall notify the manufacturer of the outcome of the evaluation. In case of a reassessment, it*** shall notify the manufacturer of its decision. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.

Amendment

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

Amendment 137

Proposal for a regulation

Annex VIII – point 3 – point 3.5 a (new)

Text proposed by the Commission

Amendment

3.5a. Design examination

3.5a.1. The manufacturer shall lodge an application for examination of the design with the notified body referred to in point 3.1.

3.5a.2. The application shall make it possible to understand the design,

manufacture and operation of the subsystem or safety component, and to assess the conformity with the requirements of this Regulation that apply to it.

It shall include:

(a) the name and address of the manufacturer;

(b) a written declaration that the same application has not been lodged with any other notified body;

(c) the technical documentation as described in Annex IX.

3.5a.3. The notified body shall examine the application, and where the design meets the requirements of this Regulation that apply to the subsystem or safety component it shall issue an EU design examination certificate to the manufacturer. That certificate shall give the name and address of the manufacturer, the conclusions of the examination, the conditions (if any) for its validity and the data necessary for identification of the approved design. That certificate may have one or more annexes attached.

That certificate and its annexes shall contain all relevant information to allow the conformity of manufactured subsystems or safety components with the examined design to be evaluated and to allow for in-service control, where applicable.

Where the design does not satisfy the applicable requirements of this Regulation, the notified body shall refuse to issue an EU design examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.

3.5a.4. The notified body shall keep itself apprised of any changes in the generally acknowledged state of the art which

indicate that the approved design may no longer comply with the applicable requirements of this Regulation, and shall determine whether such changes require further investigation. If so, the notified body shall inform the manufacturer accordingly.

The manufacturer shall keep the notified body that has issued the EU design examination certificate informed of any modification to the approved design that may affect the conformity with the essential requirements of this Regulation or the conditions for validity of the certificate. Such modifications shall require additional approval – from the notified body that issued the EU design examination certificate – in the form of an addition to the original EU design examination certificate.

3.5a.5. Each notified body shall inform its notifying authority of the EU design examination certificates and/or any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of certificates and/or any additions thereto refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies of the EU design examination certificates and/or any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, of the certificates and/or additions thereto which it has issued.

The Commission, the Member States and the other notified bodies may, on request, obtain a copy of the EU design examination certificates and/or additions thereto. On request, the Commission and the Member States may obtain a copy of the technical documentation and of the results of the examinations carried out by the notified body.

The notified body shall keep a copy of the EU design examination certificate, its annexes and additions, as well as the technical file including the documentation submitted by the manufacturer until the expiry of the validity of the certificate.

3.5a.6. The manufacturer shall keep a copy of the EU design examination certificate, its annexes and additions together with the technical documentation at the disposal of the national authorities for 30 years after the subsystem or safety component has been placed on the market.

Amendment 138

Proposal for a regulation

Annex VIII – point 5 – point 5.1 – paragraph 1

Text proposed by the Commission

5.1. The manufacturer shall affix the CE marking and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number to each individual subsystem or safety component that *is in conformity with the type as described in the EU-type examination certificate and* satisfies the applicable requirements of this Regulation.

Amendment

5.1. The manufacturer shall affix the CE marking and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number to each individual subsystem or safety component that satisfies the applicable requirements of this Regulation.

Amendment 139

Proposal for a regulation

Annex VIII – point 5 – point 5.1 – paragraph 2

Text proposed by the Commission

If the notified body agrees and under its responsibility, the manufacturer may affix the notified body's identification number to the subsystems or safety components during the manufacturing process.

Amendment

deleted

Amendment 140

Proposal for a regulation

Annex VIII – point 5 – point 5.2 – paragraph 1

Text proposed by the Commission

5.2. The manufacturer shall draw up a written EU declaration of conformity for each subsystem or safety component and keep a copy of it at the disposal of the national authorities for 30 years after the subsystem or the safety component has been placed on the market. The EU declaration of conformity shall identify the subsystem or the safety component for which it has been drawn up.

Amendment

5.2. The manufacturer shall draw up a written EU declaration of conformity for each subsystem or safety component ***model*** and keep a copy of it at the disposal of the national authorities for 30 years after the subsystem or the safety component has been placed on the market. The EU declaration of conformity shall identify the subsystem or the safety component ***model*** for which it has been drawn up.

Amendment 141

Proposal for a regulation

Annex VIII – point 6 – point c

Text proposed by the Commission

(c) the ***documentation*** relating to the change referred to in point 3.5 as approved;

Amendment

(c) the ***information*** relating to the change referred to in point 3.5, as approved;

Amendment 142

Proposal for a regulation

Annex X – point 1

Text proposed by the Commission

(1) The EU declaration of conformity shall accompany the subsystem or the safety component. It shall be drawn up in the same language or languages as the manual referred to in point 7.1.1 of Annex II.

Amendment

deleted

Amendment 143

Proposal for a regulation

Annex X – point 2 – introductory part

Text proposed by the Commission

Amendment

(2) *The EU declaration of conformity shall contain the following elements:*

deleted

Amendment 144

Proposal for a regulation

Annex X – point 2 – point a

Text proposed by the Commission

Amendment

(a) Subsystem/safety component model (product, **batch**, **type** or serial number).

(a) **Subsystem/safety component or** Subsystem/safety component model (product, **type**, **batch** or serial number).

Amendment 145

Proposal for a regulation

Annex X – point 2 – point e

Text proposed by the Commission

Amendment

(e) The object of the declaration described above is in conformity with the relevant Union harmonisation legislation: **(reference to the other Union Acts applied):**

(e) The object of the declaration described above is in conformity with the relevant Union harmonisation legislation

Amendment 146

Proposal for a regulation

Annex X – point 2 – point f

Text proposed by the Commission

Amendment

(f) References to the relevant harmonised standards used or references to the specifications in relation to which conformity is declared:

(f) References to the relevant harmonised standards used or references to the **other technical** specifications in relation to which conformity is declared:

Amendment 147

Proposal for a regulation
Annex X – point 2 – point h

Text proposed by the Commission

Amendment

*(h) identification of the person
empowered to sign on behalf of the
manufacturer or his authorised
representative;.*

deleted

EXPLANATORY STATEMENT

General observations

Your Rapporteur supports the proposal for a Regulation on cableway installations which is an example of Union harmonisation legislation. The proposal sets out to harmonise the conditions of placing on the market of subsystems and safety components for cable installations and to ensure the free movement of these products in the EU. All safety components and subsystems will have to be designed and manufactured in compliance with the essential requirements provided for by the Regulation. With regard to the cableway installations, the Regulation also foresees total harmonisation of the essential requirements to which they must comply. The Regulation shall repeal and replace Directive 2000/9/EC of 20 March 2000 relating to cableway installations designed to carry persons.

Legal instrument

Your Rapporteur is convinced that the change of legal instrument from a Directive to a Regulation is in line with the general political commitment to strive for better regulation and to simplify the regulatory environment. The change takes into account the need to ensure a uniform implementation throughout the Union. As the Regulation foresees total harmonisation, Member States are not allowed to impose more stringent or additional requirements in their national legislation. Member States will however remain competent to regulate other aspects relating to cable installations such as land-use, regional planning and environmental protection. The choice for a Regulation is welcome in this regard as it will avoid unnecessary transposition costs and impose clear and detailed rules which will become applicable in a uniform manner throughout the Union. Furthermore, opting for a Regulation avoids the risk of diverging transposition which can lead to different levels of safety protection and distort the internal market. In this regard your Rapporteur wishes to point out that the issue of diverging transposition was identified as problem in the implementation Report of Directive 2000/9/EC.

Consistency with the NLF

Your Rapporteur supports the alignment of the provisions to the goods package adopted in 2008 and in particular to the Decision EC 768/2008 on a common framework for the marketing of products. The framework set out by the NLF consists of provisions which are commonly used in EU product legislation. Your Rapporteur wishes to continue the work of this committee following the adoption of nine proposals which together form the "alignment package". In this regard the draft Report strives to respect, where possible, the wording that was agreed between co-legislators during the previous legislature. After careful analysis of the proposal and a comprehensive comparison with Directive 2014/29/EU on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels, your Rapporteur proposes several amendments aiming to improve the consistency of the text with the NLF.

Market surveillance

Originally, it was foreseen that the provisions on market surveillance for cableway installations would be addressed by the new Regulation on Market Surveillance (Proposal for a Regulation of 13 February 2013 (COM(2013) 75 final)). As this proposal will most likely

not be adopted in time, specific rules on market surveillance had to be inserted. Your Rapporteur therefore supports the inclusion of a new Chapter IV on Union Market Surveillance, Control of Subsystems and Safety Components entering the Union market and Union Safeguard Procedure.

Scope of the proposal

Your Rapporteur welcomes the fact that the proposal addresses the issue concerning the scope of Directive 2000/9/EC relating to cableway installations. As established in the impact assessment, which was positively evaluated by Parliament's Ex-Ante Impact Assessment Unit, a majority of stakeholders identify enhanced legal clarity as a primary objective. In this regard the proposal foresees that it shall be applicable to cableway installations designed to transport persons and to subsystems and safety components for such installations (Article 2 para.1) and clearly lists the exclusions (Article 2 para. 2). In particular with regard to cableway installations designed for both transport and leisure purposes, the proposal brings clarity. The exclusion of cableway installations used for leisure purposes in fairgrounds or amusement parks shall not apply to cableway installations that are intended for a dual function. With regard to historical installations, which often have a high level of touristic interest, Member States should be able to ensure a high level of protection of health and safety through their national legislation.

Subsystems

Finally, your Rapporteur supports the alignment of the conformity assessment procedures available for subsystems with those already used for safety components. For your Rapporteur there is no valid reason to treat subsystems differently than safety components as divergent approaches could create market distortions and differences of treatment. The proposal keeps the conformity assessment procedures for safety components provided for by Directive 2000/9/EC Directive and introduces them for subsystems. The corresponding conformity assessment modules however are updated with the NLF Decision.

PROCEDURE

Title	Cableway installations		
References	COM(2014)0187 – C7-0111/2014 – 2014/0107(COD)		
Date submitted to Parliament	27.3.2014		
Committee responsible Date announced in plenary	IMCO 2.4.2014		
Committees asked for opinions Date announced in plenary	ITRE 2.4.2014	TRAN 2.4.2014	
Not delivering opinions Date of decision	ITRE 22.7.2014	TRAN 16.7.2014	
Rapporteurs Date appointed	Antonio López-Istúriz White 17.7.2014		
Discussed in committee	3.12.2014	5.2.2015	16.3.2015
Date adopted	17.3.2015		
Result of final vote	+: –: 0:	35 1 2	
Members present for the final vote	Dita Charanzová, Carlos Coelho, Sergio Gaetano Cofferati, Lara Comi, Anna Maria Corazza Bildt, Daniel Dalton, Dennis de Jong, Pascal Durand, Vicky Ford, Ildikó Gáll-Pelcz, Antanas Guoga, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Antonio López-Istúriz White, Jiří Maštálka, Eva Paunova, Jiří Pospíšil, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Mylène Troszczynski, Anneleen Van Bossuyt, Marco Zullo		
Substitutes present for the final vote	Lucy Anderson, Jussi Halla-aho, Kaja Kallas, Othmar Karas, Jens Nilsson, Julia Reda, Adam Szejnfeld, Lambert van Nistelrooij, Josef Weidenholzer, Kerstin Westphal		
Substitutes under Rule 200(2) present for the final vote	José Blanco López, Andrea Bocskor, Roger Helmer, György Hölvényi, Emilian Pavel		
Date tabled	25.3.2015		