

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2023/1646

of 17 August 2023

amending Implementing Decision (EU) 2021/76 as regards harmonised standards on safety rules for the construction and installation of lifts

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 10(6) thereof,

Whereas:

- (1) In accordance with Article 14 of Directive 2014/33/EU of the European Parliament and of the Council ⁽²⁾, lifts and safety components for lifts 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*, are to be presumed to be in conformity with the essential health and safety requirements set out in Annex I of that Directive covered by those standards or parts thereof.
- (2) By Commission Implementing Decision C(2016) 5884 ⁽³⁾, the Commission made a request to European Committee for Standardization (CEN) for the drafting of harmonised standards by revising existing harmonised standards in support of Directive 2014/33/EU to ensure that they continue to reflect the generally acknowledged state of the art in order to meet the essential health and safety requirements set out in Annex I to Directive 2014/33/EU and, where relevant, with the essential health and safety requirements set out in Annex I to Directive 2006/42/EC of the European Parliament and of the Council ⁽⁴⁾ as set out in point 1.1 of Annex I to Directive 2014/33/EU.
- (3) On the basis of the request set out in Commission Implementing Decision C(2016) 5884, CEN revised harmonised standards EN 81-21:2009 as amended by EN 81-21:2009+A1:2012, EN 81-28:2003, EN 81-58:2003, EN 81-70:2003 as amended by EN 81-70:2003/A1:2004 and harmonised standard EN 81-77:2013, the reference of which are published by Commission Implementing Decision (EU) 2021/76 ⁽⁵⁾. The revision was carried out to adapt those standards to the legal framework of Directive 2014/33/EU and to increase legal certainty and clarity by providing more precise information in Annex ZA of those standards and by dating normative references. As a result, CEN adopted the standards EN 81-21:2022 on new passenger and goods passenger lifts in existing building,

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p. 251).

⁽³⁾ Commission Implementing Decision C(2016) 5884 of 21 September 2016 on a standardisation request to the European Committee for Standardisation as regards lifts and safety components for lifts in support of Directive 2014/33/EU of the European Parliament and of the Council.

⁽⁴⁾ Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).

⁽⁵⁾ Commission Implementing Decision (EU) 2021/76 of 26 January 2021 on harmonised standards for lifts and safety components for lifts drafted in support of Directive 2014/33/EU of the European Parliament and of the Council (OJ L 27, 27.1.2021, p. 20).

EN 81-28:2022 on remote alarm on passenger and goods passenger lifts, EN 81-58:2022 on landing doors fire resistance test, EN 81-70:2021+A1:2022 on accessibility to lifts for persons including persons with disability, and harmonised standard EN 81-77:2022 on lifts subject to seismic conditions, but no substantive technical changes were made to these standards.

- (4) The Commission, together with CEN, has assessed whether harmonised standards EN 81-21:2022, EN 81-28:2022, EN 81-58:2022, EN 81-70:2021+A1:2022, and harmonised standard EN 81-77:2022 comply with the request set out in Implementing Decision C(2016) 5884.
- (5) Harmonised standards EN 81-21:2022, EN 81-28:2022, EN 81-58:2022, EN 81-70:2021+A1:2022, and EN 81-77:2022 satisfy the essential health and safety requirements which they aim to cover and which are set out in Directive 2014/33/EU. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.
- (6) Implementing Decision (EU) 2021/76 provides in Annex I thereto the references of harmonised standards conferring a presumption of conformity with Directive 2014/33/EU. In order to ensure that the references of harmonised standards drafted in support of Directive 2014/33/EU are listed in one act, the references of harmonised standards EN 81-21:2022, EN 81-28:2022, EN 81-58:2022, EN 81-70:2021+A1:2022, and EN 81-77:2022 should be included in that Annex.
- (7) It is necessary to withdraw the references of harmonised standards EN 81-21:2009 as amended by EN 81-21:2009+A1:2012, EN 81-28:2003, EN 81-58:2003, EN 81-70:2003 as amended by EN 81-70:2003/A1:2004 and harmonised standard EN 81-77:2013 of the *Official Journal of the European Union*, given that those standards have been revised. It is therefore appropriate to delete those references from Annex I to Implementing Decision (EU) 2021/76.
- (8) Implementing Decision (EU) 2021/76 should therefore be amended accordingly.
- (9) In order to give manufacturers sufficient time to prepare for the application of the revised standards, it is necessary to defer the withdrawal of references of harmonised standards EN 81-21:2009 as amended by EN 81-21:2009+A1:2012, EN 81-28:2003, EN 81-58:2003, EN 81-70:2003 as amended by EN 81-70:2003/A1:2004 and harmonised standard EN 81-77:2013.
- (10) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should enter into force on the day of its publication,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Implementing Decision (EU) 2021/76 is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Points (1), (3), (5), (7) and (9) of the Annex shall apply from 21 February 2025.

Done at Brussels, 17 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I is amended as follows:

- (1) entry 2 is deleted;
 (2) the following entry 2a is inserted:

'2a.	EN 81-21:2022 Safety rules for the construction and installation of lifts – Lifts for the transport of persons and goods – Part 21: New passenger and goods passenger lifts in existing building'
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- (3) entry 4 is deleted;
 (4) the following entry 4a is inserted:

'4a.	EN 81-28:2022 Safety rules for the construction and installation of lifts – Lifts for the transport of persons and goods – Part 28: Remote alarm on passenger and goods passenger lift'
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- (5) entry 6 is deleted;
 (6) the following entry 6a is inserted:

'6a.	EN 81-58:2022 Safety rules for the construction and installation of lifts – Examination and tests – Part 58: Landing doors fire resistance test'
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- (7) entry 7 is deleted;
 (8) the following entry 7a is inserted:

'7a.	EN 81-70:2021+A1:2022 Safety rules for the construction and installations of lifts – Particular applications for passenger and good passengers lifts – Part 70: Accessibility to lifts for persons including persons with disability'
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- (9) entry 11 is deleted;
 (10) the following entry 11a is inserted:

'11a.	EN 81-77:2022 Safety rules for the construction and installations of lifts – Particular applications for passenger and goods passenger lifts – Part 77: Lifts subject to seismic conditions'
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