OFFICIAL FEDERAL JOURNAL
OF THE REPUBLIC OF AUSTRIA

Volume 2005 **Issued on 23 December 2005** **Part II**

Regulation 442: Safety Inspection and Retrofitting of Lifts (SIRFL) [CELEX No.: 31995H0216]

Regulation 442 of the Federal Minister for Economics and Labour on the Safety Inspection and Retrofitting of Lifts (SIRFL)

On the basis of § 69 (1) and § 71 of the Trade, Commerce and Industry Regulation Act 1994 - GewO 1994, BGBl. no. 194/1994 (WV), last amended by Federal Law BGBl. I No. 134/2005, it is enacted:

Objectives

§ 1. (1) This regulation sets out the time frame, areas of inspection and procedures for the safety inspection and - based on the results of the safety inspection - retrofitting, where applicable, of existing lifts by appropriate corrective measures against ascertained risks.

(2) This regulation contributes to increasing the safety of lifts in commercial facilities to protect the life and health of persons and animals and to protect goods from economic damage.

(3) This regulation meets the requirements of the 5th recital of Directive 95/16/EC on the approximation of laws of member states on lifts, CELEX No. 31995L0016, OJ. No. L 213 of 07/09/1995 P 1, and implements the recommendation 95/216/EC concerning the improvement of safety in existing lifts, CELEX No. 31995H0216, OJ. No. L 134 of 20/06/1995 P. 37.

Definitions

§ 2. For the purposes of this Regulation

(1) "lift" shall mean an appliance serving specific levels by means of a lift car intended for the transport of

1. persons
2. persons and goods
3. goods alone if the car is accessible (i.e. a person may enter it without difficulty) and is fitted with controls situated inside the car or within reach of a person inside, having a car moving along guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal.

(2) "lift inspector" shall mean a lift inspector in the sense of § 25 of the 1996 regulation on the safety of lifts - ASV 1996, BGBl. No. 780/1996, in the valid version.

(3) "lift test centre" shall mean an accredited test centre in compliance with §§ 13 and 14 ASV 1996 for the performance of conformity assessments for lifts and for all safety components for lifts or a centre appointed for the performance of conformity assessments for lifts and for all safety components for lifts in accordance with Article 9 of Directive 95/16/EC of another Member State of the European Union, another contractual state in the European Economic Area or another equivalent state, which has been published by the European Commission in the corresponding list in the Official Journal of the European Communities.

Lifts covered by the safety inspection

§ 3. (1) All lifts which were not put into operation in accordance with the terms of ASV 1996 are to be submitted by the lift owner to a safety inspection by a lift test centre in accordance with the time frame in para. 2.

(2) Lifts which were installed (year of manufacture) or retrofitted in accordance with the details under column 1 below must undergo a safety inspection before the dates shown in column 2.

Column 1	Column 2
Year of manufacture of lift	Safety inspection to be carried out by:
Up to 1966	31 December 2007 at the latest
1967 to 1976	31 December 2008 at the latest
1977 to 1983	31 December 2009 at the latest
1984 to 1990	31 December 2010 at the latest
1991 to 1995	31 December 2011 at the latest
1996 to 1999	31 December 2012 at the latest
Lifts which were retrofitted in accordance with ÖNORM B 2454:1998, table 1, positions 1 to 10 or 13, or in accordance with ÖNORM B 2454:1994, table 1, positions 1 to 10 or 14	31 December 2012 at the latest

Areas to be checked in a safety inspection

§ 4. (1) The safety inspection shall cover the following areas, taking into consideration the basic safety and health requirements for the design and construction of lifts and safety components for lifts in ASV 1966 (§ 6 and Appendix 1):

1. General requirements for materials used;
2. Accessibility including precision in stopping;
3. Vandalism;
4. Behaviour in the event of fire;
5. Shaft;
6. Drive unit and roll rooms;
7. Shaft and car doors;
8. Car;
9. Counterweight and balance weight;
10. Lifting devices and cable counterweight;
11. Protection against speeding;
12. Guide rails, bumpers and emergency end switch;
13. Distances between car doors and shaft doors;
14. Drive unit;
15. Electrical installations and devices;
16. Protection against electrical errors, control and prior claims;
17. Notices, markings and operating instructions.

(2) Appendix 1 contains a list of international standards (ISO), European standards (EN) and Austrian standards (ÖNORM) for improving the safety of existing lifts for which the application designated in the test report can be verified by the test centre for the safety inspection of lifts, in particular, the implementation of the inspection list used in ÖNORM B 2454-1:2005-01-01, and it may be assumed that the safety inspection was carried out fully in a methodical and correct manner and that the corrective measures listed in the test report are sufficient for reducing the ascertained risk.

Safety inspection procedure and necessary measures

§ 5. (1) The safety inspection and measures arising from it consist of the five steps described below:

1. Step 1: The owner of the lift shall entrust one of the test centres for lifts with the assessment of the condition of the equipment in good time in relation to the timeframes in column 2 of the table in § 3 (2). The lift test centre shall assess the safety of the lift in relation to all the areas for inspection listed in § 4 (1).

2. Step 2: The lift test centre shall prepare a test report which lists, in particular, derogations from the basic safety requirements and the related levels of risk (low - medium - high), proposes corrective measures and sets out timeframes for their implementation. The test report then has to be delivered to the owner of the lift in a verifiable manner and left in the lift log book.

3. Step 3: On the basis of the test report, the owner of the lift has to plan the appropriate corrective measures within the timeframe allotted to the measure and listed in the test report, but in any case within six months of delivery of the test report and shall inform the lift inspector, in a verifiable manner, of the test report, planned schedule and documentation.

4. Step 4: The lift inspector shall check whether the corrective measures planned by the lift owner are adequate in relation to the derogations from the basic safety regulations and the associated levels of risk as detailed in the test report. If the corrective measures comply fully with the corrective measures listed in the test report from the lift test centre, the lift inspector recommends that the lift owner implement the corrective measures. If the corrective measures do not comply with the corrective measures proposed in the test report from the lift test centre, the lift inspector shall immediately contact the test centre entrusted with the safety inspection. If the test centre entrusted with the safety inspection accepts the corrective measures proposed by the lift owner, the test report shall be amended accordingly and the lift inspector shall recommend the accepted corrective measures to the lift owner. Should, however, the lift test centre entrusted with the safety inspection not accept the corrective measures proposed by the lift owner, the centre shall modify the test report giving details of the reasons for the refusal. The lift owner can implement the original corrective measures proposed by the lift test centre entrusted with the safety inspection or, within two months of the refusal of the modification of the test report by the lift test centre, can call upon the authorities to decide upon which corrective measures must be implemented.

5. Step 5: It is the responsibility of the lift inspector to check that the corrective measures have been duly implemented. The latter must enter a corresponding annotation in the lift log book.

(2) If the lift owner does not entrust a lift test centre with the safety inspection in good time (step 1), the lift inspector shall involve the authorities after a grace period of two months. After the two month grace period, the authorities shall serve the lift owner notice to execute step 1.

(3) Should the lift owner not commence planning the corrective measures in good time (step 3) or not implement the corrective measures in good time (step 5), the lift inspector shall involve the authorities after a grace period of two months. The authorities shall check the report from the lift inspector and the test report from the lift test centre entrusted with the safety inspection and decide upon the corrective measures to be implemented.

Tests centres for carrying out the safety inspections

§ 6. (1) Carrying out the safety inspection is the responsibility of the lift test centres listed in Appendix 2.

(2) Test centres for lifts which are not authorised by Austria but by another Member State of the European Union, another contractual state in the European Economic Area or another equivalent state, shall notify the Federal Minister for Economics and Labour of their intended activity before commencing safety inspections in Austria. They may commence their activity once they are listed in Appendix 2.

Corrective measures

§ 7. (1) When carrying out appropriate corrective measures, safety components are to be included which are in compliance with ASV 1996 and which therefore have EC markings.

(2) In exceptional cases, mainly if it is not possible to install or use safety components safely in compliance with para. 2 due to technical incompatibility, replacement safety components may be used with the agreement of the lift test centre and the lift inspector which are not in compliance with ASV 1996 and therefore do not have EC markings. The agreement of the lift test centre and the lift inspector shall be noted in the lift log book.

(3) The commencement and carrying out of the corrective measures listed in the test report are not cause for any duty of disclosure and do not require approval for the modernised lift, or lift to be modernised.

Modification of Appendixes

§ 8. (1) Appendix 1 is modified on notice from the Federal Minister for Economics and Labour in order to comply with the relevant standards at the time.

(2) Appendix 2 is modified on notice from the Federal Minister for Economics and Labour in order to list the accredited centres for testing the safety of lifts at the time.

Entry into Force

§ 9. (1) This regulation comes into effect on 1 January 2006.

(2) Notifications in accordance with § 6 (2) may already be submitted to the Federal Ministry for Economics and Labour prior to this date. They will, however, come into effect on 1 January 2006 at the earliest.

Bartenstein

Appendix 1

List of International Standards, European Standards and Austrian Standards for Improving the Safety of Existing Lifts

(as of 1 January 2006)

ISO/TS 14798:2000
Lifts (elevators), escalators and passenger conveyors - Risk analysis methodology
Ascenseurs, escaliers mécaniques et trottoirs roulants - Méthodologie de l'analyse du risque
(ISO TC 178/ON FNA 017, adopted 2000)

EN 81-80:2003-12 (= ÖNORM EN 81-80:2004-05-01)
Sicherheitsregeln für die Konstruktion und den Einbau von Aufzügen - Bestehende Aufzüge - Teil 80: Regeln für die Erhöhung der Sicherheit bestehender Personen- und Lastenaufzüge
Safety rules for the construction and installation of lifts - Existing lifts - Part 80: Rules for the improvement of safety of existing passenger and goods passenger lifts
Règles de sécurité pour la construction et l'installation des élévateurs - Ascenseurs existants - Partie 80: Règles pour l'amélioration de la sécurité des ascenseurs et des ascenseurs de charge existants
(CEN TC 010/ON FNA 017, adopted 2003-11-03)

ÖNORM B 2454-1:2005-01-01
Sicherheitsprüfung an bestehenden Aufzügen und Sicherheitsregeln für die Änderung bestehender Aufzüge - Teil 1: Ergänzende Bestimmungen zur ÖNORM EN 81-80
[Safety inspection of existing lifts and safety rules for modifying existing lifts - Part 1: Supplementary Provisions on ÖNORM EN 81-80]
(ON FNA 017, adopted 2004-10-27)