

MINISTRY OF INDUSTRY, TOURISM AND TRADE

1790 ROYAL DECREE 57/2005 of 21 January by which the prescriptions are established for the increase in safety levels for existing lifts.

Royal Decree 1314/1997 of 1 August, wherein the regulations for application of European Parliament and Council Directive 95/16/EC concerning lifts are laid down, while establishing the regulations of transposition of the said guideline, stipulated in its first additional regulation that lifts having been put into service prior to the royal decree coming into force would continue to be governed by the prescriptions of the regulations that were applicable to them at the time.

Through the sole repeal regulation of said royal decree, the Regulation on lifting equipment and maintenance and its complementary technical instruction (CTI) MIE-AEM 1 was repealed, on the issues that the former are now regulated, and everything relating to the maintenance of equipment and its periodic inspections remained unaffected.

Suppression of the figure of installer - replaced by a different concept in the ambit of the directive - produced uncertainty regarding the professional body that had to carry out the significant reforms contemplated in the CTI.

On the other hand, the concept of "modification" of a lift is not defined so as to allow determination, in the event that modifications of existing lifts are of great scope affecting the majority of their constituent parts, when it is a question, in reality, of a new installation or when it can still be considered as a modification of an existing one, for the purpose of applying one set of regulations or another.

Finally, the Commission's Recommendation of 8 June 1995 on the increase of safety for existing lifts urged Member States, by means of a series of concrete measures, to increase the level of safety of said lifts to a relatively high and uniform degree in the entire European Union. It is a given fact that the initial level of the various Member States is different and also that for some autonomous communities in relation to others, it is not necessary in Spain to adopt all the measures proposed by the recommendation, while conversely it is of interest to adopt other additional ones.

Therefore, the measures contained in this royal decree are intended, on the one hand, to complement the prescriptions of Royal Decree 1314/1997 of 1 August referring to the maintenance of previously existing lifts, in accordance with CTI MIE-AEM1, and on the other, to define the limit among regulations and, lastly, to improve technical conditions of already existing lifts with a view to achieving a minimum, uniform level of safety in accordance with technical and social demands.

The various interested sectors and public Administrations took part in drawing up this royal decree, both within the framework of the Consultancy Commission for Lifting Equipment as well as in the court procedure, established in article 24.1 of Governmental Law 50/1997 of 27 November.

This royal decree has been communicated to the European Commission and to the other Member States in compliance with what is prescribed in Royal Decree 1337/1999 of 31 July, which regulates the provision of information on the issue of technical standards and regulations and rulings relating to services of the information society.

This royal decree is approved in exercising the competences that, on issues of industrial safety, the totality of the Autonomous Statutes has ended up attributing to the State, as has been repeatedly stated by the jurisprudence of the Constitutional Court ruling on this subject (for all of them, Sentences of the Constitutional Court 203/1992 of 26 November, 243/1994 of 21 July, and 175/2003 of 30 September), and it is dictated under what is established in article 149.1.13. of the Constitution.

By virtue of this, and at the proposal of the Minister of Industry, Tourism and Trade, in accordance with the State Council and after deliberation of the Council of Ministers in a meeting on 21 January 2005,

I STIPULATE:

Article 1. Increase in safety for existing lifts.

1. Lifts put into service prior to the demand of requisites of Royal Decree 1314/1997 of 1 August must comply, in addition to the technical conditions of the regulations in force when they were authorised, with those that appear in the appendix to this royal decree.

2. Adoption of the measures that appear in the appendix will be carried out:

a) Measures 1 to 11: within the maximum term of one year from the moment at which an authorised control body carries out the corresponding regulation periodic inspection. The report of this inspection will contain the safety measures, from those listed in the appendix, which must be incorporated into the lift inspected and the deadline for carrying them out.

Autonomous communities may lay down shorter deadlines.

b) Measures 12 to 16: when the conditions that are indicated in each of them are met
3. When objective conditions exist to prevent implementation of the measures established in the appendix, the person responsible for the lift must apply to the competent body of the autonomous community for exoneration. Together with the application and justification of the said impossibility, alternative equivalent safety measures will be proposed. The competent body of the autonomous community will decide on the application, for which it may demand prior presentation of a favourable report from an authorised control body.

Article 2. Reforms of importance for existing lifts

1. Substantial transformations referred to by paragraph 16.1.4 of the complementary technical Instruction MIE-AEM 1 of the Regulation on lifting equipment and maintenance approved by Order of 23 September 1987, and modified by Order of 12 September 1991, will be carried out in accordance with what is laid down in paragraphs 16.1.4 and 16.1.4.1 and in appendix E-2 of said instruction and will be carried out, without prejudice to what is determined by the autonomous communities, by maintenance companies that dispose on their full-time workforce of a minimum of:

- a) As head-technician, a qualified technician, master engineer or technical engineer.
 - b) Five qualified workmen, of which at least three have the grade of "skilled worker" or equivalent.
2. Changing one element for a different one, whether important or not, will not imply, if it is not necessary, changing other elements or components.

Article 3. Concept of modification and complete replacement of a lift

With a view to defining the criteria that determine the applicable regulations, in the event of carrying out changes to lifts already existing upon the coming into force of Royal Decree 1314/1997 of 1 August, the following will be understood:

- a) As long as the lift car guides are kept, it will be considered as being a partial modification of the lift, thus it will be governed by the regulations that are applicable to this.
- b) When all the components of a lift are changed, including the lift car guides, except if the replacement of the latter consists purely in replacement of guides that are not "T" profile by others that are, it will be understood that there is a complete replacement of the equipment, and that the integral prescriptions of Royal Decree 1314/1997 of 1 August will be applied, unless the autonomous community, in recognition of exceptional objective situations, should establish otherwise.

First final regulation. *Modification of Royal Decree 1314/1997 of 1 August wherein the regulations for application of the European Parliament and Council Directive 95/16/EC concerning lifts are laid down.*
First additional regulation of Royal Decree 1314/1997 of 1 August wherein the regulations for application of the European Parliament and Council Directive 95/16/EC concerning lifts are laid down will have the following wording:

"First additional regulation.

Without prejudice to what is stipulated in articles 1 to 3, lifts that were put into service prior to the coming into force of this royal decree will continue to be governed by the prescriptions of the regulations that have been applicable to them.

However, when for reasons of modifications in those existing lifts a greater degree of safety is achieved in the elements that are modified or replaced pursuant to the new technical prescriptions deriving from Directive 95/16/EC, the latter will be applied."

Second final regulation. *Competence heading.*

This royal decree constitutes a regulation standard of industrial safety that is subject to what is laid out in article 149.1.13 of the Constitution.

Third final regulation. *Coming into force*

This royal decree will come into force six months from its publication in the "Official Gazette".

Issued in Madrid on 21 January 2005

JUAN CARLOS R.

The Minister of Industry, Tourism and Trade,
JOSÉ MONTILLA AGUILERA

APPENDIX
Safety measures referred to in article 1

Measure	Applicable regulations	
	Electric lifts	Hydraulic lifts
<ol style="list-style-type: none"> 1. Install in the pit a stop switch, a shaft-light switch and a power socket for use by maintenance personnel. 2. Modify the skirt under the car threshold, making it as high as possible, compatible with the depth of the pit, up to a maximum of 75 cm. 3. Provide the cars with doors, together with a car position indicator, visible from the inside. 4. Install emergency lighting and an alarm in the car. 5. Provide protection for return suspension, guide, compensation and machine pulleys. 6. Install limiter cable loosening safety contact. 7. Provide a stopping device that operates when the lift does not start or when the cables slip. 8. Make it easily controllable, from the machine-room, if the car finds itself in a clutch release zone. 9. In motors supplied directly by a mains power supply, arrival of energy must be cut by two independent contactors. 10. Install in the car a two-way communication system allowing permanent contact with a rapid intervention service in buildings of temporary daily occupation (public or office buildings), seasonal occupation or dwellings of low occupation, and other situations determined by the competent body of the autonomous community. 11. Install a railing on the car roof when the free space between the edge of the roof and the wall of the lift-shaft is greater than 30 cm. 12. Remove asbestos from the braking mechanisms when these are replaced. 13. When the tractor unit is changed, ± 2 cm. accuracy of car halt level in relation to floor level must be achieved 14. When replacement of a hydraulic unit pump is carried out, the new unit must have a hand-pump for displacing the car upwards. 15. When the car is replaced, control panels will be installed in it and on the landing that may be operated by disabled persons and the car will be provided with an overload control device. 16. When the tractor group is replaced together with the car or with the framework, a device must be installed to prevent unchecked upward movement of the car. 	<p style="text-align: center;">1.2 appendix I Royal Decree 1314/1997 of 1 August and 14.2.5 UNE-EN 81-1:2001 9.10 UNE-EN 81-1:2001</p>	<p style="text-align: center;">1.2 appendix I Royal Decree 1314/1997 of 1 August and 14.2.5 UNE-EN 81-2:2001</p>