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European Commission's position on the operation of lifting platforms without carrier doors and the impact on the Italian market

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Lifting appliances whose speed is not greater than 0,15 m/s fall under the scope of the Machinery Directive.

Among the Essential Health and Safety requirements (EHSRs) applicable to lifting appliances, interpretation of EHSR 6.2 has been disputed for more than a decade.

➤ **Control devices for machineries presenting particular hazards due to the lifting of persons – EHSR 6.2.**

“Where safety requirements do not impose other solutions, the carrier must, as a general rule, be designed and constructed in such a way that persons in the carrier have means of controlling upward and downward movements and, if appropriate, other movements of the carrier.

In operation, those control devices must override any other devices controlling the same movement with the exception of emergency stop devices.

The control devices for these movements must be of the hold-to-run type except where the carrier itself is completely enclosed.”

Application of EHSR 6.2 in the market

Many lifting platforms without doors and without the hold-to-run device have been certified and installed throughout Europe

Most of them are still in operation

Manufacturers and Notified bodies involved in the procedures for assessing the conformity of this kind of machineries deem the light curtain barrier suitable for the “complete enclosure” of a carrier

The involvement of the Machinery Committee

Most manufacturers and notified bodies do not share that interpretation of EHSR 6.2

Setting aside for the moment the safety issues, different interpretations of that requirement pose a serious competition issue

In 2014, EPSA asked the Machinery Standing Committee to say its final word on the dispute

5.2(6.33) Interpretation of the Machinery Directive by Notified Bodies regarding "completely enclosed" carriers & the use of light curtains under the MD

The Commission summarised the situation in light of past years' discussions and described the legal status for the utilization of alternative technologies instead of hold-to-run control devices in carriers which are not completely enclosed. More specifically, a light barrier curtain can not be used in a lifting platform without a completely enclosed carrier, as defined by the guide (e.g. with full-length walls, fitted floors and ceilings included -with the exception of ventilation apertures- and full-length doors).

The work pursued by the NB VG 9 is very useful in light of the revision of the Machinery Directive, especially for the analysis which will be carried out by the impact assessment study.

EPSA expressed dissatisfaction with the delay on this issue.

ETUI mentioned that the conditions for a fully enclosed carrier were agreed during the negotiations for the 2006 version of the Directive as these conditions were acceptable as the state of the art for these products. In view of the revision and given the technological progress, precaution is needed for not inhibiting solutions which are state of the art.

The Commission recalled the relevant provisions of the Directive, EHSR 6.2 and 6.4.1 which should be read in tandem. In response to France's and EPSA's questions, the latter referring to the big number of products certified by the NBs and working safely all over Europe, the Commission informed that the situation of lifting platforms and slow speed lifts not aligned to the requirements of the Directive is a matter for market surveillance.

➤ The official position of the European Commission

- Interpretation of EHSR 6.2 debated in Machinery Committee from 2014 to 2018
- In the minutes of 5 November 2018 meeting



➤ Definition of “completely enclosed” carrier

The last edition of the Guide to application of the Machinery Directive 2006/42/EC (Oct19) states:

According to the third paragraph of section 6.2, hold-to-run control devices are required for all movements of the carrier, whether or not the control devices are in the carrier, unless the carrier is completely enclosed. Completely enclosed carriers are carriers with full-length walls, fitted floors and ceilings included (with the exception of ventilation apertures) and full-length doors.

➤ CONCLUSION:

At least since 2019, and at least until January 2027, it is legally forbidden to certify and placing into the market lifting platforms equipped with a light curtain barrier instead of car door, functioning with automatic operation

So, what happens to non-compliant existing platforms, still in operation?

➤ **“Is a matter of market surveillance”**

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Activity of the Italian Market Surveillance Authority - 1

Letter addressed to **ACCREDIA**, the sole national accreditation body appointed by the Italian government

In the letter (June 2022), MIMIT informed ACCREDIA that **although NBs should be informed** about the official EC interpretation of EHSR 6.2, **it looks like they are not**

MIMIT complained that Italian NBs did not withdraw the EC examination-type of noncompliant platforms and even issued new certification after 2019, asking **Accredia to intervene**

Activity of the Italian Market Surveillance Authority - 2

ACCREDIA sent a letter to all the Italian NBs for Lifts (August 2022), imposing on them:

1. To de-activate (“rendere inattivi”) **all Certificates** concerning automatic lifting platform without doors

2. To stop issuing **EC type-examination certificates** related to those appliances

3. To report to **ACCREDIA** all **EC type-examination certificates** issued in the past

New Machinery Regulation EHSR 6.2



“Where safety requirements do not impose other solutions, the carrier shall, as a general rule, be designed and constructed in such a way that persons in the carrier have means of controlling upward and downward movements and, if appropriate, other movements of the carrier.

In operation, those control devices shall override any other devices controlling the same movement with the exception of emergency stop devices.

The control devices for the movements referred to in the first paragraph shall be of the hold-to-run type except where the carrier is completely enclosed. **If there is no risk of persons or objects on the carrier colliding or falling and no other risks due to the upward and downward movements of the carrier, control devices authorising automatic stops at preselected positions may be used instead of hold-to-run type control devices.”**

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