



Notification of technical rules

- The National Board of Housing, Building and Planning's draft regulations on requirements for the use of motorised devices

Title: Notification of technical rules – National Board of Housing, Building and Planning's draft regulations on requirements for the use of motorised devices

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Summary

The National Board of Housing, Building and Planning's new draft regulations for motorised devices divides the provisions in the Board's Regulations and general guidelines (2011:12) on lifts and certain other motorised devices, the H Regulations, into three separate basic statutes:

- the National Board of Housing, Building and Planning's draft regulations on requirements for the use of motorised devices;
- the National Board of Housing, Building and Planning's draft regulations on the carrying out of inspections and accreditation of inspection bodies for motorised devices; and
- the National Board of Housing, Building and Planning's draft regulations on lifts for the fulfilment of the Lifts Directive 2014/33/EU.

The purpose of the division into three statutes is to clarify the purpose of the rules and to facilitate understanding and, thereby, the application of the rules. The new statutes are proposed to enter into force on 1 December 2025. At the same time, the current H Regulations are repealed.

This impact assessment concerns the statute with requirements for the use of motorised devices. The draft statute includes requirements for design, execution, installation and use, requirements for inspection, as well as requirements for continuous supervision, care and maintenance. Furthermore, the draft contains provisions specifying the improvement requirements in the Planning and Building Act (PBL) and the Planning and Building Ordinance (PBF) for existing lifts with a lift car and cableway installations.

In accordance with the principles governing the general review of the National Board of Housing, Building and Planning's building regulations, which include the H Regulations, the new regulations must specify the requirements laid down in law and ordinance, while the built environment sector is expected to develop solutions that meet the requirements. The starting point is that the new statutes should not contain any general advice, but only regulations, i.e., binding rules.

The draft statute consists of seven chapters and is divided by type of device:

Chapter 1. General provisions

Chapter 2. Special provisions for lifts

Chapter 3. Special provisions for escalators and travelators

Chapter 4. Special provisions for cableway installations

Chapter 5. Special provisions for roof-mounted passenger transport devices

Chapter 6. Special provisions for motorised entrances and similar devices

Chapter 7. Special provisions for motorised waste disposal devices

The provisions of the draft statute concerning inspection intervals and exemptions from inspection of certain types of devices, as well as the provisions specifying the improvement requirements, remain unchanged in relation to the corresponding regulation in the H Regulations.

The draft essentially introduces the following amendments compared to the H Regulations.

- The provision specifying the possibility of derogating from the regulations in the light of the requirements of the construction works or the device is supplemented by a new documentation requirement.
- It is clarified that a motorised device shall be professionally designed, constructed and installed to ensure that the device meets the requirements for health and safety. It is also clarified with regard to the care, maintenance and continuous supervision of a motorised device that this shall be carried out in a professional manner.
- Detailed rules in the general advice in the H Regulations on which elements continuous care and supervision should cover for different types of devices are not transferred to the draft statute. The same applies to general advice on the operation of cableway installations for the transport of persons.
- A new provision is introduced to replace intervals for magnetic induction examination of cables for cableways and funicular railways and drag lifts respectively. The provision introduces a new requirement for an initial examination. Periodic examinations shall then be carried out at the necessary intervals. The provision is supplemented by the provision that magnetic inductive examinations must be carried out on a professional basis.

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1 Draft statute

Draft regulations on requirements for the use of motorised devices

By virtue of Chapter 10, Section 3(4-5), Section 8, Section 11, Section 15(1-2), Section 17(2), Section 19(1)(1), Section 20 and Section 26(6-7) of the Planning and Building Ordinance (2011:338), the National Board of Housing, Building and Planning hereby lays down¹ the following.

Chapter 1. General provisions

Content of the statute

Section 1 This statute lays down regulations on:

1. inspection and use of motorised devices in accordance with Chapter 5, Sections 8 and 12 of the Planning and Building Ordinance (2011:338);
2. technical characteristics requirements for safety in use in accordance with Chapter 3, Section 10 of the Planning and Building Ordinance (2011:338);
3. specific safety requirements regarding existing lifts pursuant to Chapter 3, Section 11(4-6) and Chapter 3, Section 12, last paragraph of the Planning and Building Ordinance (2011:338);
4. safety when using cableway installations constructed before 3 May 2004 and covered by Chapter 8, Section 24 of the Planning and Building Act (2010:900) pursuant to Chapter 8, Section 4(1)(4) of the same Act;
5. exemptions from the technical characteristics requirements for modifications of construction works under Chapter 8, Section 7 of the Planning and Building Act (2010:900); and
6. maintenance in accordance with Chapter 8, Section 14(3) of the Planning and Building Act (2010:900).

The statute also contains regulations on the languages to be used in certain documents relating to cableway installations and subsystems and safety components for cableway installations in accordance with Regulation (EU) No 2016/424 of the European Parliament and of the Council on cableway installations and repealing Directive 2000/9/EC.

Scope of the regulations

Section 2 The regulations apply to motorised devices as referred to in Chapter 1, Section 5 of the Planning and Building Ordinance (2011:338) with the clarifications set out in this statute.

The space and equipment required for a motorised device to be run, operated, maintained, and checked appertain to said device.

The statute covers cableway installations for passenger transport within the scope of Regulation (EU) 2016/424.

The regulations in Chapter 1 include general provisions for all types of motorised devices.

The regulations in Chapter 2 include provisions for lifts.

¹ See Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

The regulations in Chapter 3 include provisions for escalators and travelators.

The regulations in Chapter 4 include provisions for cableway installations.

The regulations in Chapter 5 include provisions for roof-mounted passenger transport devices.

The regulations in Chapter 6 include provisions for motorised entrances and similar devices.

The regulations in Chapter 7 include provisions for motorised waste disposal devices.

Adaptation of the requirements on modifications

Section 3 Minor deviations may be made from the provisions of this statute in individual cases if the motorised device still provides adequate health and safety protection, and if

1. unreasonable costs would be incurred because of the characteristics of the works or the device; or

2. when modifying a device or replacing a certain part of the device would be inappropriate for reasons of caution, taking into account the characteristics and values of the construction works.

Where minor derogations as referred to in the first subparagraph are applied, the reasons for this and the measures taken to provide adequate health and safety protection shall be documented.

Decision of the local building committee concerning inspection intervals for periodic inspections

Section 4 If a motorised device is, due to its use, particularly unlikely to suffer a reduction in operational reliability, the local building committee may, in each individual case, decide on longer inspection intervals than those specified in this statute, but no longer than twice the specified interval.

Section 5 If there are special reasons for doing so, the local building committee may grant a postponement of inspection for a maximum of six months. Subsequent inspection intervals shall be calculated from the time until which a postponement has been granted.

Definitions

Section 6 Terms and expressions in this statute have the same meaning as in the Planning and Building Act (2010:900) and the Planning and Building Ordinance (2011:338).

Section 7 The following definitions shall apply in this statute:

funicular railway: a cableway installation in which the transporting devices are hauled by one or more cables along a track that may lie on the ground or be supported by fixed structures;

lift: a motorised lifting device with a lift car, platform or other load-bearing part intended for permanent installation, which is controlled by guides, walls, scissor systems or the like, and which, between fixed landings, transports people, people and goods or only goods in the case of freight and service lifts;

cable car: a cableway installation where the transporting devices are suspended from and propelled by one or more cables;

cableway installation: entire on-site system, consisting of infrastructure and subsystems, designed, constructed, assembled and put into service for the purpose of transporting persons, where the movement is carried out using cables along the line of travel;

motorised waste disposal device: a motorised device for the handling of waste in a building or the removal of waste from a building, such as motorised waste transport lift, waste suction, stationary compressor and sweep auger intended for permanent installation;

motorised entrance and similar device: a gate, door, wall, grating or fence that is opened and closed by engine power, and which is intended to be used for the passage of persons or for the passage of vehicles as referred to in the Vehicles Act (2002:574) or with vehicles running on rails;

escalator and travelator: an escalator and travelator that is motorised and transports persons or persons and goods between different points of boarding and alighting, placed at the same or different levels;

drag lift: a cableway installation where the passengers with appropriate equipment are towed along a prepared track;

small lift: a simpler type of drag lift. In the case of a small lift, the upstream part of the hauling cable is assumed not to be supported by intermediate poles and cable rollers and to be low, usually at waist height. It is also assumed that the persons transported are pulled by holding directly on to the hauling cable or handles attached to the cable;

roof-mounted transport device: a roof-mounted transport device in a building, which is operated by the passenger. In the case of roof-mounted passenger transport devices, where the passenger lifting part consists of a wheelchair, the chair is also part of the device.

Design, execution, installation and use of motorised devices

Section 8 Motorised devices shall be professionally designed and installed so as to provide satisfactory protection for health and safety in use, care, maintenance, and continuous supervision.

A motorised device installed in a construction works and falling within the scope of Regulation (EU) No 2016/424 on cableway installations or Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and on repealing Directive 2006/42/EC of the European Parliament and of the Council and Directive 73/361/EEC of the Council or Swedish regulations implementing Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of Member States relating to lifts and safety components for lifts or Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery and amending Directive 95/16/EC into Swedish law, may only be used if it complies with the essential requirements that applied to the device when it was installed and put into service at a specific location.

Risks related to connected building parts

Section 9 Building parts connected to a motorised device or otherwise affected by the installation of such a device shall be so positioned and constructed as to limit the risk of personal injury by falling, collision, crushing or tripping.

Inspections of motorised devices

Section 10 This Ordinance lays down when the owner or the person otherwise responsible for a motorised device is obliged to ensure that it is inspected and at what intervals. Provisions on the inspection of motorised devices are laid down in Chapter 5, Sections 8-11 of the Planning and Building Ordinance (2011:338) and in the regulations issued in connection with these provisions.

First inspection

Section 11 Before a motorised device in accordance with Chapters 2 to 7 is put into service, it shall be inspected (first inspection), unless it is covered by exemptions under Chapter 1, Section 20, Chapter 6, Sections 4, 6, 7 and 8 or Chapter 7, Section 2.

Section 12 Shortcomings that remain after the completion of the initial inspection and which have been deemed not to pose an immediate risk to health and safety in accordance with Chapter 3, Section 7 of the National Board of Housing, Building and Planning's regulations (20xx:xx) on the performance of inspections and the accreditation of inspection bodies for motorised devices shall be rectified as soon as possible after the completion of the inspection and checked by the inspection body in the next inspection.

Periodic inspection

Section 13 Motorised devices pursuant to Chapters 2–7 shall, as long as they are in use, be subject to periodic inspections, unless they are covered by an exemption under Chapter 4, Section 10, Chapter 6, Sections 4–8 or Chapter 7, Section 2.

Section 14 Periodic inspections may commence no earlier than six months before the expiry of the current inspection interval.

Section 15 The inspection interval for the first periodic inspection is calculated from the month in which the first inspection was completed without adverse comments or with a comment that the motorised device only has deficiencies that in total are not deemed to have an immediate impact on health and safety.

Where a first inspection is not required, the inspection interval for the first periodic inspection shall be calculated from the month in which the device was put into service.

The next inspection interval is calculated from the end of the previous inspection interval.

Shorter inspection intervals may be chosen by the party that owns or is otherwise responsible for the device. Subsequent inspection intervals shall then be calculated from the end of the shortened interval.

Section 16 A person who owns or is otherwise responsible for a motorised device shall, in the case of a periodic inspection, submit the report of the last inspection to the inspection body. If the most recent inspection concerned audit inspection, a report from the most recent first or periodic inspection shall also be presented.

Section 17 Shortcomings that remain after completed periodic inspection and which, individually, do not pose an immediate risk to health and safety in accordance with Chapter 3, Section 14 of the National Board of Housing, Building and Planning's regulations (20xx:xx) on the performance of inspections and accreditation of inspection bodies for motorised devices shall be rectified within one month after completion of the inspection and checked by the inspection body in the next inspection.

Revision inspection

Section 18 When modifying a motorised device in accordance with Chapters 2 to 7, the device shall be inspected before it is put back into service, unless it is covered by an exemption under Chapter 6, Section 4 or Chapter 7, Section 2, if the modification concerns:

1. replacement of an existing motorised device with another new or used device, unless the replacement entails a requirement for an initial inspection;
2. modification of activities in the building or other modification of the building that may significantly affect the safety of the motorised device;

3. modification of the basic conditions of the device;
4. modification of essential elements or the replacement of essential elements to another type; or
5. any other modification having a significant impact on safety.

Section 19 Shortcomings that remain after a completed audit inspection and which have been deemed not to pose an immediate risk to health and safety in accordance with Chapter 3, Section 16 of the National Board of Housing, Building and Planning's regulations (BFS 20xx:xx) on the performance of inspections and the accreditation of inspection bodies for motorised devices shall be rectified as soon as possible after completion of the inspection and checked by the inspection body in the next inspection.

Exemptions from inspection requirements

Section 20 A motorised device that, according to a certification, complies with the requirements laid down in the relevant Community harmonisation legislation is exempt from the initial inspection in the respects specified in the certification.

The exemption does not apply to devices or parts of devices whose function depends on other systems in the building.

Initiation of inspection

Section 21 The inspection shall be completed on the date on which the inspection body issues an inspection report.

Inspection plate

Section 22 The owner of a motorised device or the person who is otherwise responsible for the device shall ensure that the most recently issued inspection plate is securely attached to the device in a clearly visible place for users.

Section 23 Motorised devices that are subject to periodic inspection and are exempt from the requirement for an initial inspection shall have a permanent information plate provided by the owner of the device. The plate shall be in place before the device is put into service and the plate shall state when the first periodic inspection is to be carried out (year and month).

Modification of motorised devices

Section 24 In the event of a modification to a motorised device or replacement of a certain part of the device, the modified or replaced part shall comply with the requirements in force at the time of the modification.

Operation, continuous supervision, care, and maintenance of motorised devices

Section 25 The owner or person who is otherwise responsible for a motorised device shall ensure that the device is operated, continuously supervised, cared for and maintained so that it provides adequate protection for health and safety in use, upkeep, maintenance, continuous supervision and inspection.

Care, maintenance and continuous supervision of the device shall be carried out professionally to a sufficient extent, taking into account the frequency of use and the surrounding environment.

Journal

Section 26 A person who owns or is otherwise responsible for a motorised device shall ensure that a journal is kept. The journal shall contain information on:

1. measures performed for continuous supervision, care and maintenance or modifications to the device;
2. the operating intensity of the device;
3. downtime occurred and the reason for it;
4. accidents or incidents occurred; and
5. other information necessary to carry out inspection.

The journal shall be made available to accredited inspection bodies during the inspection and to the supervisory authority upon request.

Section 27 On each occasion that measures for continuous supervision, care and maintenance or modification of the device are taken, an entry shall be made in the journal of:

1. the date of the measure or modification;
2. the scope of the measure or modification; and
3. who carried out the measure or modification.

In the event of modification to a device, the journal shall also show:

1. whether the modification has prompted an audit inspection; and
2. where appropriate, the respects in which, pursuant to Chapter 1, Section 3, there have been minor deviations from Chapter 1, Section 24.

Chapter 2. Special provisions for lifts

Execution and installation of lifts

Authorisation for use

Section 1 Risks associated with unauthorised use of a lift intended to be operated only by authorised persons shall be limited if the lift is easily accessible.

Emergency evacuation

Section 2 In all lifts that allow passenger transport, the necessary measures shall be taken that facilitate authorised access to the lift machine room from the entrance to the building.

Signs and notices

Section 3 Information on who is operating a lift and who to contact in the event of a fault in a lift shall be clearly visible in connection with each lift or group of lifts for passenger transport in the building's ground floor and, if applicable, also in each lift car for lifts for passenger transport.

If the lift is switched off, means shall be provided to indicate this at each landing.

Lift shafts, etc.

Section 4 A lift shaft may only contain devices that are part of the lift installation.

Section 5 Building elements that enclose a lift shaft may only have door and hatch openings that are required for the use of the lift, continuous supervision and emergency evacuation. The doors and hatches shall be designed to limit the risk of personal injury.

Section 6 Lift shafts shall be executed in such a manner that an emergency evacuation can be carried out without performing extensive work on the structure of the lift shaft.

Section 7 Lift shaft walls that can be accessed by persons or goods shall have a strength sufficient for the purpose for which the lift is to be used and a level, hard and smooth surface that limits the risk of injury to persons or the lift.

Section 8 Spaces beneath the bottom of a lift shaft may be used to run pipes and electrical cables if the space is separate and lockable. If the space is accessible, special measures shall be taken to limit the risk of personal injury if the lift car or counter-weight crashes down.

Elevator and pulley room, access routes

Section 9 Lift machinery with associated devices and pulleys shall be placed in a room or other space that can be reached by fixed internal access routes without the lift needing to be used.

Spaces for the machinery of lifts and pulleys may only contain devices for the installation of lifts. An elevator machine room may be common to several lifts.

Section 10 Engine and pulley rooms shall be accessible in a safe manner and have sufficient area and clearance, so as to limit the risk of ill health and accidents.

A floor hatch may only be provided for the transport of machine parts.

Inspection of lifts

Periodic inspection

Section 11 Lifts shall be inspected at the following inspection intervals:

1. first periodic inspection: 2 years;
2. subsequent periodic inspections:
 - a) goods lifts and service lifts 2 years;
 - b) waste transport lifts 2 years;
 - c) stairway lifts 2 years;
 - d) platform lifts designed to serve a maximum of two dwellings 2 years; and
 - e) other lifts: 1 year.

Improvement requirements for existing lifts with a lift car

Requirements for protection in the lift car opening

Section 12 Lifts intended for passenger transport which, according to Chapter 3, Section 11(4a) of the Planning and Building Ordinance (2011:338), must be equipped with a lift car door or other suitable protection in the lift car opening, refer to lifts with a lift car intended for the transport of persons or persons and goods in buildings that mainly contain work premises.

Other protection in the lift car opening instead of in the lift car door can in individual cases be accepted if the installation of the lift car door entails unreasonable costs, is inappropriate for reasons of caution or if accessibility for persons with reduced mobility or orientation capacity is impaired. When using other protection in the lift car opening instead of the lift car door, the lift shall still provide adequate protection for health and safety.

Warning sign requirements

Section 13 Lifts intended for the transport of persons which, in accordance with Chapter 3, Section 11(4b) of the Planning and Building Ordinance (2011:338), must be equipped with a warning sign, refer to lifts that do not have a lift car door or lift car gate at least one lift car opening and either have a lift shaft or a lift car or both.

The sign should be easy to understand and be placed so as to be clearly visible both in the lift car and on the platform lift platform and outside the lift shaft at each landing.

Requirements for protection in spaces between doors

Section 14 Appropriate protection in the space between the shaft door and the lift car door or lift car gate as referred to in Chapter 3, Section 11(5) of the Planning and building Ordinance (2011:338) means protection that prevents the lift being used if someone, or something, is between the doors.

Where protection that physically restricts some of the space between the doors is used, the lift must also be provided with a safety device to monitor the space.

Requirements for measures in the event of alterations

Section 15 According to Chapter 3, Section 11(6) of the Planning and Building Ordinance (2011:338), lifts that are to be attended to in order to improve safety during use refer to existing lifts with a lift car intended for the transport of persons.

Measures in the event of modifications in accordance with Sections 16 and 17 of the lifts concerned shall be fulfilled no later than three months after the start of the modification work or replacement.

Section 16 When modifying or replacing the lift control system, controller frame or machinery, as well as replacement of the lift car's interior or of the entire lift car, the following points shall be met for existing lifts with a lift car designed for the transport of persons.

1. Controls in the lift car and at landings as well as other equipment in the lift car shall be suitable for use by persons with reduced mobility or orientation capacity in accordance with points 1.6.1 and 1.6.2 of Annex I to Directive 2014/33/EU.

2. Lift car doors shall be designed in accordance with points 3.1 and 4.1 of Annex I to Directive 2014/33/EU in lifts that lack a door at a lift car opening. In cases where the lift has more than one lift car opening, the requirement applies to all openings. Protection other than a lift car door may be accepted in individual cases for reasons set out in Section 12(2), if the lift nevertheless provides adequate protection for health and safety.

3. Communication systems shall enable a permanent connection to a rapid response service in accordance with points 4.5 and 4.9 of Annex I to Directive 2014/33/EU.

4. Good lighting and emergency lighting shall be provided in the lift car in accordance with points 4.8 and 4.9 of Annex I to Directive 2014/33/EU.

5. There shall be protection against overloading of the lift in accordance with point 1.4.1 of Annex I to Directive 2014/33/EU. However, this requirement applies only to replacements of entire lift cars.

Section 17 When modifying or replacing the lift control system, controller frame or machinery, the following points must be satisfied on existing lifts with lift cars intended for passenger transport, in addition to the requirements in Section 16.

1. A contact safety device to protect against electrical shocks from the door latch and door contacts of a shaft door shall be provided in accordance with point 1.6.4 (d) of Annex I to Directive 2014/33/EU.

2. There shall be free space or other steps taken in accordance with point 2.2 of Annex I to Directive 2014/33/EU in order to prevent the risk of crushing of a person located in the lift pit or at the head of the shaft by the lift car. This requirement does not apply to lifts with free spaces designed in accordance with the Swedish Board of Occupational Health and Safety's Instructions No 92 (1973) or in accordance with corresponding subsequently applicable rules.

3. Devices to facilitate the evacuation of enclosed passengers shall be provided in accordance with point 4.4 of Annex I to Directive 2014/33/EU.

4. Adequate lighting in the lift shafts and machinery space for care, maintenance and inspection shall be provided in accordance with point 1.1 of Annex I to Directive 2014/33/EU and point 1.1.4 of Annex 1 to the Work Environment Authority's regulations (AFS 2023:4) on products – machinery.

Chapter 3. Special provisions for escalators and travelators

Execution and installation of escalators and travelators

Limitation of risks of personal injury

Section 1 Railings and balustrades for escalators and travelators shall have such a height and design that, with regard to the drop height, they limit the risk of personal injury as a result of falling.

In order to comply with Chapter 1, Section 9, the risk of child accidents through the improper use of balustrades shall be taken into account.

Section 2 A person who has a body part or clothing trapped in an escalator or a travelator must be able to be released rapidly by readily available tool equipment or by other appropriate means.

Inspection of escalators and travelators

Periodic inspection

Section 3 Escalators and travelators shall be inspected at the following inspection intervals:

1. first periodic inspection: 2 years;
2. subsequent periodic inspections 1 year.

Chapter 4. Special provisions for cableway installations

Execution and installation of cableway installations

Operating spaces

Section 1 Machinery, cable poles, turntables and tensioning weights with associated spaces as well as other spaces for the operation of a cableway installation may only be accessible by authorised persons and the spaces may only contain devices for the cableway installation. These spaces shall also be easily identifiable and easily accessible to authorised persons.

Risk of collision

Section 2 The cableway installation shall be designed so as to limit the risk of personal injury from collision with installation parts.

Pole tensioning and suchlike with cables may only take place where the risk of personal injury due to persons or vehicles colliding with the cable is limited. Where there is a risk of collision, tension cables and similar parts shall be adequately marked.

Switches and signs

Section 3 A cableway installation's switch, control devices, inspection devices and emergency stop devices shall be easily recognisable and their functions shall be easy to understand.

Section 4 Information and warning signs for users and staff and necessary for safe operation, care and maintenance shall be provided in the cableway installation and shall be permanently constructed and designed in such a way as to limit the risk of personal injury. The signs shall be easy to understand and text on signs shall be written in Swedish.

Signs indicating the name of the manufacturer, the type designation of the facility, the year of production and serial number and other necessary information concerning the installation shall be displayed at appropriate locations.

Work on the cableway installation

Section 5 Splicing of hauling and towing cables shall be carried out in a professional manner in relation to the applicable requirements.

New hauling cables may have no more than two splices and may only be spliced an additional two times in later repairs, unless manufacturer instructions specify otherwise.

Language requirements for the EU declaration of conformity and certain other documents regarding cableway installations and subsystems and safety components for cableway installations

Section 6 The EU declaration of conformity, instructions for use and safety instructions to be provided to users in accordance with Articles 11.7, 13.4, 14.2 and 19.2 of Regulation (EU) 2016/424 shall be written in Swedish for subsystems and safety components for cableway installations released or supplied in Sweden. The same shall apply to instruction manuals, pursuant to paragraph 7.1.1 of Annex II to Regulation (EU) 2016/424, for cableway installations constructed in Sweden. The EU declaration of conformity for subsystems or safety components for cableway installations may be written in English as well as Swedish.

Section 7 The information and documentation that manufacturers and importers shall provide to the market surveillance authority upon request in accordance with Articles 11(9) and 13(9) of Regulation (EU) 2016/424 shall be written in Swedish or English. Other languages may also be accepted by the authority on a case-by-case basis.

Inspection of cableway installations

Periodic inspection

Section 8 Devices shall be inspected at the following inspection intervals.

Periodic inspections

1. cableways and funicular railways: 1 year; and
2. drag lifts
 - a) small lifts with a drive rating greater than 7 kW 2 years; and
 - b) other drag lifts: 1 year.

Every five years, the periodic inspection for cableways and funicular railways shall be carried out as a more comprehensive periodic inspection.

Inspection of cables

Section 9 The towing and hauling cable of cableways and funicular railways as well as the hauling cable of drag lifts shall undergo magnetic induction examinations. The examinations shall consist of an initial examination and periodic examinations at the required intervals.

Magnetic induction examinations are to be carried out professionally in accordance with the requirements in force.

Exemptions from inspection requirements

Section 10 Small lifts whose engine power does not exceed 7 kW are exempt from the requirement for periodic inspection.

Improvement requirements for existing cableway installations

Section 11 Existing cableways installed before 3 May 2004 shall at the latest on 31 December 2008 be so designed and installed as to provide adequate health and safety protection in the event of accidental reversing.

Section 12 Existing cableways and drag lifts installed before 3 May 2004 shall be so constructed and installed by 31 December 2008 that they provide adequate health and safety protection in the event of wear, defects or failure of the drive or turntable bearings. Small lifts with an engine power not exceeding 7 kW are exempted from this requirement.

Chapter 5. Special provisions for roof-mounted passenger transport devices

Execution and installation of roof-mounted passenger transport devices

Section 1 A roof-mounted passenger transport device where a wheelchair constitutes the passenger-lifting element may only be installed in a private environment.

Inspection of roof-mounted passenger transport devices

Periodic inspection

Section 2 Roof-mounted passenger transport devices shall be inspected at the following inspection intervals:
periodic inspections 2 years.

Chapter 6. Special provisions for motorised entrances and similar devices

Execution and installation of motorised entrances and similar devices

Section 1 Holding devices on entrances and similar devices shall be designed or placed in such a way that unauthorised persons cannot activate the devices.

Section 2 A motorised wall that, when opening or closing, enters a space in which a person can fit, shall be designed so that it cannot be operated if a person is in the space.

Inspection of motorised entrances and similar devices

Periodic inspection

Section 3 Motorised entrances and similar devices shall be inspected at the following inspection intervals

1. first periodic inspection: 2 years; and
2. subsequent periodic inspections:
 - a) motorised entrances and similar devices that are within enclosed industrial areas and operated by a momentary pressure operated device in combination with a self-monitoring contact strip or by a constant pressure push button: 4 years; and
 - b) other motorised entrances and similar devices: 2 years.

Exemptions from inspection requirements

Section 4 Motorised garage doors and gates for individual use in connection with single- and two-dwelling buildings are exempt from the requirements for initial, periodic and audit inspection.

Section 5 Rolling shutters operated with a constant pressure push button no more than twice a day and placed on store fronts or suchlike are exempted from the requirement for periodic inspections.

Section 6 Sliding doors, impact doors and rotary doors that have been certified as complying with all applicable requirements laid down in the relevant harmonised Community legislation are exempt from initial and periodic inspection.

Section 7 Door types with door leaves smaller than 25 m² made of soft material and without hard stiffeners may, upon application to the National Board of Housing, Building and Planning, be exempted from the requirement for initial and periodic inspections.

Section 8 Motorised entrances and similar devices that are type-approved in accordance with Chapter 8, Sections 22–23 of the Swedish Planning and Building Act (2010:900) or corresponding older provisions are exempt from the requirements for initial and periodic inspection.

Chapter 7. Special provisions for motorised waste disposal devices

Execution and installation of motorised waste disposal devices

Section 1 Control devices for motorised waste disposal devices shall be designed or located in such a way that unauthorised persons cannot activate the devices.

Inspection of motorised waste disposal devices

Exemptions from inspection requirements

Section 2 All motorised waste disposal devices other than waste transport lifts are exempt from the requirements for initial, periodic and audit inspections.

This statute shall enter into force on 1 December 2025.

2 Introduction

When an authority prepares regulations or general advice, the authority shall investigate the consequences that will arise from the rule under the Ordinance (2024:183) on Impact Assessments (the Impact Assessment Ordinance). This impact assessment therefore contains descriptions and answers that are separately regulated in the Ordinance, but also contains other considerations based on what is regulated in, for example, the Ordinance (2022:208) containing instructions for the National Board of Housing, Building and Planning.

The National Board of Housing, Building and Planning's impact assessments can be used as a kind of preparatory work and interpretative documents for the Board's regulations and general advice. The present document constitutes such an impact assessment.

An impact assessment shall be proportionate to the scope and effects of the proposal. The starting points in this chapter affect the scope of the impact assessment.

2.1 Background

2.1.1 The assignment

The National Board of Housing, Building and Planning's rules on motorised devices need to be modernised and simplified, in order to contribute to faster and more cost-effective construction. The National Board of Housing, Building and Planning has therefore initiated a review of the rules in the H Regulations.

The draft statute includes rules on motorised devices as referred to in Chapter 1, Section 5, of the PBF.

An important starting point and delineation of the review is that the level of requirements, that is to say, societal demands for motorised devices, should not change.

Reasons for regulating requirements for motorised devices

The user of a lift or other motorised device shall be able to feel safe and secure. It is the owner or person who is otherwise responsible for the device who must ensure that it is designed and installed so that it provides adequate protection for health and safety, that it receives the care and maintenance required and that inspections of the device are carried out.

In order to ensure the safety of a lift or other motorised device, there are rules to be followed by building owners, developers, manufacturers, installers, service companies, inspection bodies and building committees and others.

Without clear requirements and requirement levels, there are not sufficient conditions and incentives for those responsible for motorised devices to limit accident risks to a level that does not pose an unacceptable risk. One reason may also be a lack of knowledge regarding how to prevent the risk of accidents.

2.1.2 Purpose and objective of the task

The review of the National Board of Housing, Building and Planning's rules on motorised devices aims to create a simplified and consistent regulatory framework. The draft statute does not affect the levels of requirements laid down by law and regulation. The regulatory work only covers the National Board of Housing, Building and Planning's rules for the implementation.

The proposal aims to clarify the division of roles between the state, the built environment sector and standardisation. In the regulations, the National Board of Housing, Building and Planning shall specify the requirements laid down in law and regulations, while the built environment sector develops solutions that meet the requirements, with standardisation as an alternative.

Following the review, the rules on motorised devices shall:

- consist of fewer rules
- be formulated as technology- and material-neutral functional requirements
- contain only binding regulations – in principle no general advice and no reference to standards, rules or general advice from other authorities or organisations.

The rules on motorised devices are to take the form of a simplified, coherent and function-based technology- and material-neutral regulatory framework with a uniform structure and level of detail.

Clearer requirements increase the understanding of their purpose and meaning. In doing so, the rules will enable the built environment sector to develop new solutions better than under the current rules, thereby fostering innovation. This will create better conditions for more cost-effective construction and may stimulate increased competition.

2.2 Working method

The draft statute shall, as far as possible, be designed in a similar way to the National Board of Housing, Building and Planning's other building and construction rules. During its work on the draft statute, the National Board of Housing, Building and Planning has had contact with professional organisations in various areas of expertise. The National Board of Housing, Building and Planning has maintained a dialogue in consultation meetings with inspection bodies and other relevant authorities.

The impact assessment with the draft statute was circulated for consultation from 5 December 2024 to 7 March 2025. In view of the consultation response received and new considerations, the National Board of Housing, Building and Planning considered it appropriate to adjust certain parts of the proposal.

Only comments concerning the drafting of the legislation and the impact assessment have been raised here. However, general comments on the regulatory model have not been raised as the National Board of Housing, Building and Planning did not find reason to call into question the previous position taken in the report to the Government.²

2.3 About legislation comments

In order to be able to apply and fully understand what the statute means, it is not always sufficient to simply read it. There are different methods and techniques for interpreting statutes, and regulatory provisions can in many cases be very generalised. If a person who is to apply a provision in practice, and wishes to know the purpose of the particular provision, guidance is usually sought primarily in the preparatory work.

In the impact assessment, the National Board of Housing, Building and Planning has drafted detailed comments on the provisions of the statute. Thus, the legislation comments can be used to support application, judicial review and suchlike. As a starting point, the legislation comments have therefore been drafted

- in such a way that the purpose of the provision is clear
- with an explanation of how the terms used are intended to be interpreted
- by providing examples.

² National Board of Housing, Building and Planning. (2020). Building regulations that allow for more possibilities - New model for the National Board of Housing, Building and Planning's building regulations (report 2020:31).

In addition, the legislation comments can serve as a basis for guidance. Such guidance may also be supplemented by additional explanatory texts and, where necessary, graphs, tables, etc. Please note that legislation comments and guidance do not inherently have legally binding status, rather they are only a means to help understand the associated rules.

2.4 Abbreviations

BBR	Boverket's (the National Board of Housing, Building and Planning) building regulations (2011:6) - regulations and general advice ³
Eurocodes	The National Board of Housing, Building and Planning's Regulations and general advice (2011:10) on the application of European design standards (Eurocodes) ⁴
The H Regulations	The National Board of Housing, Building and Planning's regulations and general advice (2011:12) on lifts and certain other motorised devices
The Lifts Directive	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 ⁵
The Cableway Regulation	Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC ⁶
The Machinery Directive	Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) ⁷ .
PBF	Planning and Building Ordinance (2011:338)
PBL	Planning and Building Act (2010:900)

³ On 1 July 2025, new building regulations enter into force that replace the majority of the provisions in the BBR.

⁴ On 1 July 2025, a new statute enters into force, the National Board of Housing, Building and Planning's Regulations and general advice (2024:6) on load-bearing capacity, stability and durability in buildings, etc., which replaces EKS.

⁵ OJ L 96/251, 29.3.2014, p. 251, Celex 314L0033.

⁶ OJ L 81, 31.3.2016, p. 1 Celex 32016R0424.

⁷ OJ L 157, 9.6.2006, p. 24 Celex 32006L0042.

3 Legal conditions

This chapter describes the legal conditions for the National Board of Housing, Building and Planning's proposal for new regulations and contains, inter alia, the information on regulatory authorisations referred to in the Ordinance on impact assessments.

3.1 The National Board of Housing, Building and Planning's authority

The draft statute is intended to clarify in detail:

- the requirements in Chapter 5, Sections 8 and 12 of the PBF on the inspection and use of motorised devices as authorised in Chapter 10, Section 19(1)(1) and Section 20 of the PBF;
- the technical characteristics requirement in Chapter 3, Section 10 of the PBF with regard to safety in use as authorised in Chapter 10, Section 3(4) of the PBF;
- the special safety requirements in Chapter 3, Section 11(4–6) and Chapter 3, Section 12, last paragraph of the PBF with respect to existing lifts as authorised in Chapter 10, Section 15(1–2) of the PBF;
- the meaning of the safety requirements laid down in Chapter 8, Section 4(1)(4) of the Planning and Building Act for cableway installations constructed before 3 May 2004 and covered by Chapter 8, Section 24 of the same Act as authorised in Chapter 10, Section 17(2) of the PBF;
- provisions on exemptions from the technical characteristics requirements for alterations of buildings in Chapter 8, Section 7 of the PBL as authorised in Chapter 10, Section 8 of the PBF;
- the requirement for the maintenance of devices in Chapter 8, Section 14(3) of the PBL as authorised in Chapter 10, Section 11, of the PBF;
- language requirements under the Cableway Regulation for EU declarations of conformity and certain other documents on cableway installations and subsystems and safety components for cableway installations as authorised in Chapter 10, Section 26(6–7) of the PBF.

3.2 Notification of technical rules

The information procedure under the Ordinance (1994:2029) on technical rules will be carried out since the draft statute contains technical rules as referred to in Section 2 of the same Ordinance.

3.3 Notification of requirements under the Services Directive

The draft statute does not contain rules relating to access to or exercise of a service activity. Our assessment is therefore that the draft statute does not need to be notified under the Ordinance (2009:1078) on services in the internal market, which refers to the Services Directive⁸.

3.4 Government consent

The National Board of Housing, Building and Planning considers that the draft statute does not have such significant effects on costs for the state, municipalities or regions that the Government's consent is required in accordance with the Ordinance on impact assessments.

⁸ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

4 Description of the rules currently in force

This section describes the rules in force on the use of motorised devices in the PBL, the PBF and the National Board of Housing, Building and Planning's regulations. This section also describes EU legislation with requirements for motorised devices.

4.1 PBL - the Swedish Planning and Building Act

The Planning and Building Act contains various types of requirements relating to motorised devices. It concerns, on the one hand, technical requirements for construction works and, on the other hand, requirements for the maintenance of devices. Furthermore, the PBL imposes an overall retroactive requirement, improvement requirement, for existing lifts and cableway installations. The responsibility for complying with the requirements is explained in Section 4.1.2.

4.1.1 Technical characteristics, retrospective and maintenance requirements for motorised devices

Comprehensive requirements for construction works, namely buildings and other installations, are laid down in the Planning and Building Act, the PBL. In accordance, inter alia, with Chapter 8, Section 4(1)(4) of the PBL, construction works must have the technical characteristics that are essential in terms of safety in use. In accordance with Chapter 8, Section 5 of the PBL, the technical requirements must be met in the case of new buildings, rebuilding and other alterations to a building or an installation other than a building.

It follows from Chapter 8, Section 7(1) of the PBL that, when modifying a building, the requirements in Chapter 8, Section 4 of the PBL may be adapted and deviations from the requirements made, taking into account the extent of the alteration and taking into account the conditions of the building and the provisions on caution and prohibition on distortion in Chapter 8, Section 13 and Sections 17–18 of the PBL. Under Chapter 8, Section 7(3) of the PBL, the same applies also to the modification of installations other than buildings.

Chapter 8, Section 24 of the PBL contains an overall retroactive requirement for existing lifts and cableway installations which applies even if no changes are made to or measures taken on the lift or cableway installation. The requirement states that lifts in buildings and cableway installations designed to carry persons shall always have the execution and equipment that can reasonably be

required to meet the technical characteristics requirements in Chapter 8, Section 4 of the PBL.

The requirement for construction works to be maintained is laid down in Chapter 8, Section 14. A construction works shall be kept in good repair and maintained in such a way that its design and technical characteristics are essentially preserved. A device for the purpose referred to in Chapter 8, Section 4(1)(4) of the PBL, that is to say safety in use, must be kept in such condition that it meets its purpose at all times. The maintenance requirement for such devices is stricter than that applicable to the characteristics of buildings. Keeping the devices in good working order so that they fulfil their purpose means, among other things, that lifts, for example, must be maintained on a regular basis.⁹

4.1.2 Responsibility for complying with the requirements

It follows from Chapter 10, Section 5 of the PBL that the developer is responsible for ensuring that each building, demolition and land measure that the developer carries out or has carried out is done so in accordance with the requirements applicable to the measure under the PBL or regulations or decisions issued pursuant to the Act. The responsibility is not limited to certain measures, but also applies to measures that are not subject to permits or notification. However, in the case of measures requiring a permit or notification, the developer is also required to ensure that the measure is checked in accordance with the inspection plan laid down by the building committee in the start notice. Under Chapter 1, Section 4, of the PBL, the term 'developer' means any person who carries out, or has carried out, design, construction, demolition or land works on their own account.

Chapter 10, Section 5 of the PBL explicitly states that it is the developer who is responsible for the design and execution of measures. However, there are no corresponding specific provisions in the PBL regarding the question of who is responsible for taking such measures as required by Chapter 8, Sections 14 and 24 of the PBL. However, it follows from Chapter 11, Section 19 of the PBL that if a developer, owner, usufructuary, road operator, inspector, expert or principal of a public place fails to take a measure and thereby violates an obligation laid down in the PBL or in regulations or decisions issued on the basis of the PBL, the building committee may, in accordance with Chapter 11, Section 19 of the PBL, order him or her to take the measure within a certain period of time. According to the National Board of Housing, Building and Planning, when different categories of addressees can be considered, the building committee should choose to impose an order on the person who may be considered to have the best actual and legal opportunity to comply with the order.

⁹ Chapter 8, Section 14 of the Planning and Building Act (2010:900) A comment; Norstedts Juridik and Karnov.

4.2 PBF - the Planning and Building Ordinance

The Planning and Building Ordinance specifies the overall technical characteristics requirements for construction works in the PBL. Furthermore, the Ordinance specifies the overall retroactive requirement in the PBL with regard to lifts that have already been installed. The Ordinance also lays down requirements for the monitoring of motorised devices and specifies the situations in which the use of the device is prohibited.

4.2.1 Clarifications of technical characteristics requirements and retroactive requirements in the PBL

The technical characteristics requirement for safe use is specified in Chapter 3, Section 10 of the PBF. In order to meet the requirement in Chapter 8(4)(1)(4) of the PBL, a construction works shall be designed and built so that, in use or operation, it does not pose unacceptable risks of slipping, falling, collision, crushing, cutting injuries, burns, electric shocks, explosion or other accidents.

The overall retroactive requirement in Chapter 8, Section 24 of the PBL is specified in Chapter 3, Section 11(4–6) and Chapter 3, Section 12, last paragraph of the PBF, which states what can reasonably be required in the form of improvement measures for already installed lifts. The detailed rules on improvement measures in the PDB require that

- a lift installed in a building and intended for the transport of passengers shall at all times be provided with:
 - a) a lift car door or other suitable cover in the car opening, if the building contains mainly working premises; or
 - b) there be a sign warning of the risk of being crushed by objects trapped in the shaft wall, if the building does not contain mainly working premises and the lift is not fitted with a lift car door or other suitable protection as referred to in point (a);
- a lift installed in a building and intended for the transport of persons no later than 1 October 2031 shall be provided with appropriate protection in the space between the shaft door and the lift car door or lift car gate, if there is a risk of an individual being trapped in that space; and
- to a reasonable extent, the measures that are necessary to increase the safety of the use of a lift installed in a building be taken. This requirement shall be fulfilled, at the latest, when the lift undergoes a major conversion or an essential part of the lift is replaced.

4.2.2 Requirements for the inspection of motorised devices

The PBF contains requirements for the inspection of motorised devices in construction works. Chapter 5, Section 8 of the PBF states that, if the National Board of Housing, Building and Planning has issued regulations regarding this, any person who owns or is otherwise responsible for a motorised device installed in a construction works shall ensure that the device is inspected

- before the device is put into service for the first time (first inspection);
- at intervals of not less than six months and not more than six years (periodic inspection); or
- before the device is put into service for the first time after being modified (audit inspection).

In accordance with Chapter 5, Section 10 of the PBF, an inspection is to be carried out by an inspection body whose competence for the task has been demonstrated by accreditation.

4.2.3 Requirements for the use of motorised devices

Chapter 5, Sections 12–16 of the PBF also contain requirements for the use of motorised devices in construction works. The requirements for use are that:

- the device is used only for the purpose and at the load and speed for which the device is intended;
- the device complies with the requirements relating to the protection of health and safety;
- the device has been inspected within the prescribed period;
- the person who owns or is otherwise responsible for the installation with an inspection report can demonstrate that the device meets the requirements for health and safety; and
- the necessary protective measures were taken following an accident or incident.

4.3 The National Board of Housing, Building and Planning's regulations

For motorised devices, the requirements in PBL and PBF are clarified in implementation regulations, primarily through the National Board of Housing, Building and Planning's Regulations and general advice (2011:12) on lifts and certain other motorised devices (the H Regulations).

4.3.1 The National Board of Housing, Building and Planning's Regulations and general advice on lifts and certain other motorised devices

The H Regulations contain requirements and rules for the execution and installation, inspection, care and maintenance, as well as certain improvement requirements for existing devices. The regulations also contain rules on the accreditation of inspection bodies and the tasks carried out by the accredited inspection bodies. In addition, Annex 5 to the statute transposes rules for permanently installed lifts with lift cars for compliance with the Lifts Directive into Swedish law, which in principle reproduces verbatim the requirements of the Directive.

The H Regulations apply to motorised devices as referred to in Chapter 1, Section 5 of the PBF with the clarifications and exemptions set out in the statute. The following motorised devices are subject to the H Regulations:

- Lifts
- Cableway installations
- Motorised entrances and similar devices
- Escalators and travelators
- Roof-mounted passenger transport devices
- Waste disposal devices

4.3.2 Other regulations of the National Board of Housing, Building and Planning concerning motorised devices

The National Board of Housing, Building and Planning's building regulations (2011:6) – regulations and general advice, the BBR, specify the general requirements in the PBL and PBF for buildings, including with regard to safety in use, safety in the event of fire, and accessibility and usability for persons with reduced mobility or orientation. Requirements for load bearing capacity, stability and durability of construction works can be found in the National Board of Housing, Building and Planning's Regulations and general advice (2011:10) on the application of European construction standards (Eurocodes). The requirements in these statutes also apply, in the relevant parts, to motorised devices as part of a building or as a construction works. For example, the BBR lays down rules on how lifts and other lifting appliances in buildings should be designed to be accessible.

The National Board of Housing, Building and Planning has carried out a review of the building and construction rules. Unlike the current classification of the National Board of Housing, Building and Planning's building and construc-

tion rules, each subject area will, after the review, be covered by its own statute. The new statutes, which replace the BBR and Eurocodes, will enter into force on 1 July 2025.

4.4 EU legislation laying down requirements for motorised devices

For motorised devices, EU common safety requirements under harmonised EU legislation and CE marking requirements apply. In particular, the following EU directives and regulations set out the essential health and safety requirements for the products covered by the H Regulations.

- The Lifts Directive
- The Cableway Regulation
- The Machinery Directive

As mentioned above, the Lifts Directive is transposed into Swedish law mainly through the H Regulations with the essential health and safety requirements set out in Annex 5:1 to the regulations. The safety requirements for cableway installations in Annex II of the Regulation are directly applicable from 21 April 2018. The Machinery Directive has been incorporated through the Swedish Work Environment Authority's regulations (AFS 2023:4) on products – machinery, which enters into force on 1 January 2025 and replaces the Swedish Work Environment Authority's regulations (AFS 2008:3) on machinery and general advice on the application of the regulations. Annex 1 to the Work Environment Authority's regulations sets out the essential health and safety requirements. On 20 January 2027, the new EU Machinery Regulation¹⁰ will enter into force. The Machinery Directive and thus the Swedish Work Environment Authority's regulations on machinery will then cease to exist.

In addition, there are other EU Directives and regulations that may be applicable, such as the Electromagnetic Compatibility Directive – EMC (2014/30/EU)¹¹ and the Radio Equipment Directive (2014/53/EU)¹². The person who places a product on the market is responsible for ensuring that the product complies with all the requirements of EU legislation. The CE marking indicates that the product conforms with all applicable requirements of the relevant harmonised EU legislation.

¹⁰ Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC.

¹¹ Directive 2014/30/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 electromagnetic compatibility.

¹² Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC.

5 Details of the draft statute

This section contains a general description of the proposed new regulations on requirements for the use of motorised devices, the considerations that have been made and the changes that have been made in relation to the rules in the H Regulations. A selection of the consultation bodies' comments and the National Board of Housing, Building and Planning's assessment are presented under the respective sub-headings. All comments are available in full from the National Board of Housing, Building and Planning.

In addition, see Section 7 for detailed comments on each section of the draft statute. In the legislation comments, the reader can see which provision in the H Regulations corresponds to which section of the National Board of Housing, Building and Planning's proposal for new regulations on requirements for the use of motorised devices.

5.1 Separate statutes and clearer classification by type of device

In the National Board of Housing, Building and Planning's proposal for new regulations for motorised devices, the provisions of the H Regulations are divided into three separate statutes:

- the National Board of Housing, Building and Planning's draft regulations on requirements for the use of motorised devices;
- the National Board of Housing, Building and Planning's draft regulations on the carrying out of inspections and accreditation of inspection bodies for motorised devices; and
- the National Board of Housing, Building and Planning's draft regulations on lifts for the fulfilment of the Lifts Directive 2014/33/EU.

The purpose of the division is to clarify the purpose of the rules and to facilitate understanding and, therefore, the application of the rules.

The rules on motorised devices are addressed to different types of operators. Provisions that primarily concern developers and those responsible for motorised devices, such as rules on requirements for design, execution and installation, inspection and operation, continuous supervision, care and maintenance, are proposed to be added to the statute – the National Board of Housing, Building and Planning's proposal for regulations on requirements for the use of motorised devices. The provisions concerning only the inspection bodies, such as rules on accreditation and the carrying out of inspections, are proposed to be

included in the statute – the National Board of Housing, Building and Planning's draft regulations on the performance of inspections and the accreditation of inspection bodies for motorised devices. The provisions of Annex 5 to the H Regulations, which transposes rules for permanently installed lifts with a lift car for compliance with the Lifts Directive into Swedish law, are proposed to be added to the statute – the National Board of Housing, Building and Planning's draft regulations on lifts for compliance with the Lifts Directive 2014/33/EU.

In relation to the H Regulations, the provisions of this draft statute have been restructured and divided into specific chapters based on different types of devices. With such a division, the National Board of Housing, Building and Planning's intention is that the regulations should be more structured and easy to read.

5.2 Wording of the draft statute

The draft statute has seven chapters:

- Chapter 1. General provisions
- Chapter 2. Special provisions for lifts
- Chapter 3. Special provisions for escalators and travelators
- Chapter 4. Special provisions for cableway installations
- Chapter 5. Special provisions for roof-mounted passenger transport devices
- Chapter 6. Special provisions for motorised entrances and similar devices
- Chapter 7. Special provisions for motorised waste disposal devices

Chapter 1 contains proposals for general requirements concerning the design, execution and installation, inspection and operation, supervision, care, and maintenance that apply to all motorised devices. Furthermore, the chapter contains a provision on the application of the requirements for the modification of motorised devices, as well as a provision regulating when adaptation of the requirements for motorised devices in the statute may take place in the event of a modification.

Chapters 2 to 7 contain draft regulations laying down specific requirements for different types of motorised devices. The chapters contain specific requirements for the execution and installation and provisions concerning inspection intervals for the various devices, as well as provisions with exceptions to inspection for certain types of devices. Chapters 2 and 4 set out improvement requirements for existing lifts with a lift car and cableway installations.

5.3 The draft statute contains only binding rules

In accordance with the principles governing the general review of the National Board of Housing, Building and Planning's building regulations, which include the H Regulations, the new regulations must specify the requirements laid down in law and ordinance, while the built environment sector is expected to develop solutions that meet the requirements. The starting point is that the new statutes should not contain any general advice, but only regulations, i.e., binding rules.

Thus, the draft statute does not contain any solutions or references to standards which are referred to in the general advice of the H Regulations. Clarifying examples, which are currently stated in general advice, can to some extent be given in future guidance on the draft statute.

The fact that there are no proposals for specific solutions in the draft statute shall not be interpreted as a reduction in the requirement level. The harmonised standards, solutions and working methods currently in place and complying with the rules in force should continue to be applicable. However, the draft statute makes it clear that other solutions can also be accepted.

In contrast to the corresponding regulation in the H Regulations, the draft statute also does not contain any general advice with information on established harmonised standards. Complete lists of harmonised standards can be found on the Commission's website.¹³ The removal of the reference to harmonised standards does not entail any change in the definitions of motorised devices covered by the draft statute.

Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the essential health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the directive or the regulation in so far as those standards aim to satisfy the essential health and safety requirements.

¹³ https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/lifts_en and https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/machinery-md_en, retrieved on 27 November 2024.

Nor does the proposal contain any general advice that provides information about other rules. These rules apply regardless of the fact that the National Board of Housing, Building and Planning no longer refers to them in the statute, without prejudice to the responsibility of stakeholders to comply with them. References to other relevant rules for motorised devices are made in legislation comments in cases where it is deemed significant. In addition, this can be done in future guidance on the draft statute, if it is considered appropriate.

The National Board of Housing, Building and Planning has analysed each regulation and general advice in the H Regulations and has taken a position on the rules to be included in the new statute. The proposal entails few substantive changes and has largely retained the wording of the functional requirements in the H Regulations. Most of the rules in the H Regulations that are general advice are not found in the draft statute. In some cases, however, rules that are general advice in the current statute have become provisions in the draft statute, since the rule is deemed important to maintain within the framework of what the National Board of Housing, Building and Planning should regulate on the basis of the principles for the general review of the building regulations.

The opinions of the consultation bodies

The Swedish Work Environment Authority points out that, when reference is made to harmonised standards as voluntary tools, it needs to be clarified that these provide presumption of conformity with basic health and safety requirements under European product legislation. Therefore, harmonised standards are not only indicative.

The Swedish Work Environment Authority also states that it may lead to ambiguities if, for example, the application of the Authority's Regulations and general advice (AFS 2023:12) on the design of workplaces is used as an example in some form of comment for another regulatory framework.

The National Board of Housing, Building and Planning's assessment

Additions are made with clarifying text on harmonised standards in Sections 5.3 and 5.6 and in legislation comments.

The National Board of Housing, Building and Planning's reference to the existence of relevant rules in the regulatory framework of other authorities in legislation comments is not intended to supplement the provisions of the draft statute. Some texts in the legislation comments referring to AFS 2023:12 are slightly reformulated to make it more clear that this is merely an indication that there are relevant rules in other regulations and not examples of how the provision can be complied with.

The National Board of Housing, Building and Planning considers that no adjustments to the draft statute are necessary.

5.4 The term 'professional'

The term 'professional' appears in three provisions of the draft statute.

Chapter 1, Section 8 clarifies that a motorised device shall be professionally designed, constructed and installed to ensure that the device meets the requirements for health and safety in use, care, maintenance, and continuous supervision.

Chapter 1, Section 25, also lays down requirements that care, maintenance and continuous supervision of a motorised device must be carried out in a professional manner.

Furthermore, a specific requirement is stated in Chapter 4, Sections 5 and 9 that fragmentation and magnetic inductive investigation of hauling and towing cables for cableways, funicular railways and drag lifts shall be carried out in a professional manner.

The term 'professional' can be found in the Eurocodes and it is also found in older building regulations. The built environment sector is therefore very experienced in dealing with statutory requirements regarding professionalism. The National Board of Housing, Building and Planning's new building regulations, which enter into force on 1 July 2025, introduce an explicit requirement that buildings shall be designed and constructed in a professional manner. In line with this, the National Board of Housing, Building and Planning considers it reasonable to link the overall requirements for the execution and installation, as well as the care, maintenance and continuous supervision of motorised devices, to a requirement regarding professionalism.

The requirement regarding professionalism normally means that the person doing the project design or the work has a level of competence equivalent to that which may be required of a professional in the profession in question. The knowledge and skills needed depend on the field and the complexity of the measure. Professionalism is not linked to any formal training or certification, but the person hired must have the necessary skills for the work.

The developer¹⁴ is the party responsible for ensuring that a motorised device is professionally designed, executed and installed. The owner or party who is otherwise responsible for a motorised device is responsible for ensuring that maintenance, care, and continuous supervision of the device is carried out. This applies regardless of who actually performs the works. The requirement regarding professionalism vis-à-vis the community cannot be derogated from, in the sense that someone else can assume responsibility.

The developer or owner of the motorised device may also have a claim against the person carrying out the work under civil law contracts. Such demands are governed by agreements between the parties and are not subject to the professionalism requirements of this Statute.

Professionalism can be achieved by e.g. following harmonised standards, appropriate industry standards, industry codes of practice, or other accepted methods to perform tasks in a professional manner. Methods shall be reliable. Anyone wishing to deviate from a standard needs to demonstrate that the requirements of the draft statute nevertheless provide adequate protection for health and safety during use, care, maintenance, continuous supervision and inspection. This necessitates transparency and traceability.

A local building committee can utilise the requirement regarding professionalism to, for example, request clearer documents or to reject design and execution that are insufficiently qualified for the measure in question to be assumed to meet the health and safety requirements at the time of completion and over time. The provision thus reinforces the mandate of the local building committees to request documents required for such an assessment. Imposing requirements regarding professionalism therefore also helps to clarify the division of roles in the built environment sector.

The National Board of Housing, Building and Planning considers that the requirement for professionalism, that is to say, an explicit requirement for competence, has no economic impact in terms of application.

The opinions of the consultation bodies

Several consultation bodies suggest that it should be stated more clearly which conditions are considered reasonable when it comes to the term 'professionally' or that there need to be clear guidelines and explanations for this.

The National Board of Housing, Building and Planning's assessment

The concept of professionalism is discussed in greater detail in Section 5.4.

¹⁴ Developer: the person who, on their own behalf, carries out or commissions design, construction, demolition or groundwork. Chapter 1, Section 4, PBL.

The National Board of Housing, Building and Planning considers that no adjustments to the draft statute are necessary.

5.5 Overall provisions (Chapter 1)

5.5.1 Preamble (Chapter 1, Section 1)

A preamble in Chapter 1, Section 1 of the draft statute clarifies the link to the overall requirements of the PBL and the PBF that the draft statute is intended to specify.

The statute contains provisions specifying the requirements for inspection and use in Chapter 5, Sections 8 and 12 of the PBF and the maintenance of motorised devices in Chapter 8, Section 14(3) of the PBL.

The statute also specifies the technical characteristics requirement in Chapter 3, Section 10 of the PBF specifically for motorised devices to counter unacceptable risks of accidents. However, health and safety requirements for permanently installed lifts with a lift car covered by the Lifts Directive are proposed to be included in a separate statute.¹⁵ General requirements for safety in use for buildings can be found in the BBR and the National Board of Housing, Building and Planning's Regulations (2024:9) on safety in the use of buildings, which enter into force on 1 July 2025 and replace the corresponding provisions in the BBR.

Furthermore, the statute specifies overall improvement requirements for existing cableway installations for the transport of persons in Chapter 8, Section 24 of the PBL and for lifts in buildings in Chapter 3, Section 11(4–6) and Chapter 3, Section 12, last paragraph of the PBF.

5.5.2 Scope of the regulations (Chapter 1, Section 2)

The provision on the scope of the regulations in Chapter 1, Section 2 of the draft statute specifies the motorised devices to which the regulations shall apply. The regulations shall apply to motorised devices as referred to in Chapter 1, Section 5 of the PBF, i.e.:

- lifts with associated safety components and other motorised devices intended for the transport of persons or goods, with the exception of such de-

¹⁵ The National Board of Housing, Building and Planning's draft regulations on lifts for the fulfilment of the Lifts Directive (2014/33/EU) contain provisions that impose requirements on lifts, such as construction products in order for them to be placed on the market, and for which various economic operators are responsible for compliance with the requirements. However, in accordance with Chapter 1, Section 8(2), in order to use certain motorised devices installed in a construction works, they must comply with the requirements applicable to the device when it was installed and put into operation at a particular location, see Section 5.5.2.

vices referred to in Chapter 2, Section 13 of the Public Order Act (1993:1617),

- entrances, doors, grilles, gates and similar devices intended for the passage of persons or of land or rail vehicles; and
- devices intended for the handling and removal of waste from buildings fitted with such a device.

The provision clarifies that a motorised device includes the space and equipment required for the device to be operated, cared for, maintained and inspected.

By reference to the Cableway Regulation, it is clear that the statute covers cableway installations for the transport of persons within the same scope as the EU Regulation.

The requirements for the execution and installation, as well as inspection of motorised entrances and similar devices in Chapter 6 of the draft statute are, by virtue of the definition of such motorised devices in Chapter 1, Section 7, limited to devices which are opened and closed by motor power. Motorised entrances and similar devices that are opened by a motor and closed by stored energy or vice versa are therefore not subject to the inspection requirement. However, the overall requirements in Chapter 1 on the design, execution and installation, modification of motorised devices and operation, use, continuous supervision, care and maintenance also apply to such devices. The corresponding demarcation can be found in the H Regulations.

Unlike the corresponding rules in the H Regulations, the provision does not contain any exceptions to the scope of the draft statute. Chapter 1, Section 3(2) of the H Regulations states that the statute covers car, supervisory and paternoster lifts, but not construction hoists. Furthermore, it follows from Chapter 1, Section 5(2) of the H Regulations that the statute does not cover motorised entrances and similar devices that are part of a machinery facility or which provide protection against access to the facility. However, the amendment to the provision is not intended to entail any substantial change in substance. According to the draft statute, the types of appliances excluded from the scope of the H Regulations will, as a starting point, continue to be excluded. However, they will not be categorically exempted, but a prerequisite for this is that, in accordance with Chapter 1, Section 5(2) of the PBF, they are intended to be used only by specially instructed staff on a professional basis.

The National Board of Housing, Building and Planning has examined whether certain types of motorised devices should be excluded from the scope of the draft statute. To begin with, it should be noted that the National Board of Hous-

ing, Building and Planning does not have the authority to specify which motorised devices are covered by Chapter 1, Section 5 of the PBF. It is true that the National Board of Housing, Building and Planning may stipulate that certain types of motorised devices shall not be included in the scope of the draft statute. However, this would not lead to any increased clarity when it comes to assessing which devices are to be regarded as motorised devices in accordance with Chapter 1, Section 5 of the PBF. In the draft statute, the National Board of Housing, Building and Planning can only regulate those devices that are to be regarded as motorised devices in accordance with Chapter 1, Section 5 of the PBF. Thus, if certain devices were to be excluded from the scope of the draft statute, this would only apply to devices covered by Chapter 1, Section 5 of the PBF. In the case of such devices, the provisions of the PBF relating to motorised devices would therefore continue to apply. The devices would also continue to be subject to the requirements that otherwise follow from the planning and building legislation.

The planning and building legislation contains provisions that impose requirements on the design of a construction works. Requirements are also set for a construction works to have certain essential technical characteristics. Said requirements generally apply to all types of construction works. Motorised devices installed in a construction works are an integral part of the construction works and are thus also subject to the general requirements applicable to construction works.¹⁶ In addition, motorised devices are also subject to specific requirements that apply in addition to the general requirements that are imposed on construction works in accordance with Chapter 8 of the PBL and related regulations.¹⁷ This includes the provisions in Chapter 5, Sections 12–16 of the PBF on the use of motorised devices in construction works. The provisions of Chapter 5, Sections 12–16, of the PBF therefore apply to motorised devices, regardless of whether they fall within or outside the scope of the draft statute.

However, for motorised devices that would be excluded from the scope of the draft statute, the provisions on the inspection of motorised devices in construction works under Chapter 5, Sections 8–11 of the PBF do not apply. This is because the provisions of Chapter 5, Sections 8–11 of the PBF only apply to motorised devices that are subject to inspection in accordance with regulations issued by the National Board of Housing, Building and Planning. Thus, for motorised devices which would not be covered by the draft statute, the general re-

¹⁶ Devices other than motorised devices within the meaning of Chapter 1, Section 5 of the PBF which are incorporated into a construction works also become an integral part of the construction works and are therefore subject to the requirements of Chapter 8 of the PBL and the related regulations. Such devices must, for example, meet the requirement for safety when used in accordance with Chapter 8, Section 4(1) (4) of the PBL and Chapter 3, Section 10 of the PBF.

¹⁷ This type of regulations have been issued pursuant to Chapter 16, Section 5 of the PBL and Chapter 10, Sections 15, 17, 19 and 20.

quirements of Chapter 8 of the PBL and the related regulations and the provisions in Chapter 5, Sections 12–16, of the PBF apply.¹⁸

Planning and building legislation contains, *inter alia*, requirements under public law that can be said to express the minimum requirements that the state imposes on construction works in more general terms. However, the specific use or individual circumstances may also trigger other more specific public-law requirements. For example, a proposed location of a construction works within a coastal protection area, or a specific planned activity, may, for example, give rise to various requirements and procedures under environmental legislation. Chapter 12 of the Land Code also contains provisions regulating, *inter alia*, the condition of an apartment. Similarly, requirements under occupational health and safety legislation are brought to the fore in the case of professional activities. For example, health and safety legislation imposes requirements on construction works, which also includes various devices incorporated into a construction works, both motorised devices and other types of devices. Thus, both the planning and building legislation and the legislation on health and safety at work contain provisions which impose requirements on construction works and the devices contained therein.

The planning and construction legislation shall be applied in parallel with other applicable public law. This follows from the fact that regulations are binding, but can also be seen in light of the fact that public law legislation serves different purposes and has different protective interests. As a starting point, it is therefore justified that different public law requirements apply in parallel. However, it is not desirable to have regulations that mean that the same thing is regulated in parallel without there being any objective reasons for this based on the purposes and protection interests that justify the provisions. Unjustified differences in the level of requirements may also have a driving effect on costs and unnecessarily complicate application. It goes without saying that public law requirements which apply in parallel and which are incompatible, in the sense that it is impossible to comply with all statutory requirements, are also of the utmost importance to avoid.

Since the provisions of the planning and building legislation express general requirements imposed on construction works and since the specific regulation regarding motorised devices follows from Chapter 1, Section 5 of the PBF, the National Board of Housing, Building and Planning considers that the draft statute should not completely exclude certain types of motorised devices from

¹⁸ Furthermore, certain types of lifts as well as doors and similar devices shall, in buildings already constructed, meet specific safety requirements in accordance with Chapter 3, Section 11 of the PBF. In addition, lifts in buildings and cableway installations designed to transport persons shall, in accordance with Chapter 8, Section 24 of the PBL, always have the execution and equipment that can reasonably be required to meet the technical performance requirements referred to in Chapter 8, Section 4 of the PBL.

its scope. The overall requirements in Chapter 1 of the draft statute concerning the design, execution and installation, modification of motorised devices and operation, use, continuous supervision, care and maintenance, etc. should therefore apply to all types of motorised devices regardless of whether the devices are also or may be subject to other regulations under public law. In order to avoid undesirable double regulation, the National Board of Housing, Building and Planning has also investigated whether certain types of motorised devices should be exempted from the inspection requirement on the grounds that the devices may also be subject to inspection in accordance with the Swedish Work Environment Authority's Regulations and general advice (AFS 2023:11) on work equipment and personal protective equipment – safe use, hereinafter referred to as AFS 2023:11.

As regards the scope of lifts in accordance with AFS 2023:11, it can be noted that according to Table 15, the device 'lift' includes lifts designed for professional use by specially instructed staff. Table 15 shows, by way of example, construction hoists, crane hoists and mining hoists. This does not fully correspond with the delimitation laid down in Chapter 1, Section 5(2) of the PBF, which only exempts motorised devices intended to be used *only* professionally by specially instructed staff. However, it should be noted that the definition of the term *lift* in Chapter 1, Section 7 of the draft statute states, among other things, that the device shall be intended for permanent installation. Only lifts covered by the definition in the draft statute are subject to inspection requirements.

Construction hoists, crane hoists, mining-type hoists and similar lifts should normally be intended for use only on a professional basis by specially instructed staff and therefore are already not to be considered to be motorised devices in accordance with Chapter 1, Section 5 of the PBF for this reason. If lifts of this type are not covered by the exemption in Chapter 1, Section 5(2) of the PBF, they shall also be intended for permanent installation in order to be subject to the inspection requirements laid down in the draft statute. The National Board of Housing, Building and Planning considers that it should only concern a very limited number of lifts that may be subject to inspection requirements both under the draft statute and AFS 2023:11. For construction hoists, crane hoists, mine hoists and similar lifts that are permanently installed and not only used professionally by specially trained staff, the National Board of Housing, Building and Planning also considers that there may be grounds for inspection under both regulations, as it is questionable whether such a device is only used for the purpose for which it is intended.¹⁹ All in all, the National Board of Housing, Building and Planning considers that there are no grounds for a gen-

¹⁹ See Chapter 5, Section 12 of the PBF.

eral exemption of construction hoists, crane hoists, mining hoists and similar lifts from the requirements for inspection in accordance with the draft statute.

Chapter 1, Section 5(2) of the H Regulations states that the statute does not cover motorised entrances and similar devices which are part of a machinery installation or which provide protection against access to the facility. The National Board of Housing, Building and Planning is of the opinion that there is no reason to generally exclude this type of device from the scope of the draft statute for the same reasons as mentioned above with regard to construction hoists, crane hoists, mine hoists and similar lifts. Whether this type of device is exempt under Chapter 1, Section 5(2) of the PBF and therefore also falls outside the scope of the draft statute may be assessed on the basis of the individual circumstances.

As regards the scope of the draft statute, it is worth pointing out that it is the developer or the person who owns or is otherwise responsible for a motorised device that is the subject of responsibility and is therefore responsible for compliance with the requirements. The requirements of the draft statute are imposed on motorised devices as integral parts of a construction works, as evidenced by the authorisations underlying the draft statute. The draft statute thus differs from product regulations and Swedish provisions implementing European Union product directives²⁰, which impose requirements on construction products as such, and where various economic operators are responsible for ensuring that the requirements are met. The regulation of construction products can be said to apply to these products until they are incorporated into a construction works. What have previously been construction products will then become part of the construction works. The rules that deal with characteristics requirements for construction works, such as, for example, the draft statute, then become applicable.

The opinions of the consultation bodies

The Swedish Work Environment Authority considers that the draft statute is unclear in certain respects, in that it does not clearly state who is responsible, which also means that it is unclear when the requirements must be met.

The Swedish Work Environment Authority also considers that the draft statute means that it remains unclear what is covered by the areas of application of the National Board of Housing, Building and Planning and the Swedish Work Environment Authority respectively. In this regard, the Work Environment Authority considers that the scope of application becomes unclear when certain types of devices in comparison with the H Regulations are no longer exempted

²⁰ For example, the National Board of Housing, Building and Planning's draft regulations on lifts for the fulfilment of the Lifts Directive 2014/33/EU and AFS 2023:4.

from the draft statute, while the National Board of Housing, Building and Planning states that no substantive amendment is intended.

The National Board of Housing, Building and Planning's assessment

The National Board of Housing, Building and Planning's assessment is that the responsible parties for the draft statute are clearly shown in the authorisations reported in and forming the basis for the draft statute. Section 5.5.2 has been developed and supplemented by information to that effect.

The National Board of Housing, Building and Planning has no authority to specify which devices constitute motorised devices pursuant to Chapter 1, Section 5 of the PBF. The National Board of Housing, Building and Planning therefore makes the assessment that the scope of the draft statute will not be clearer if certain devices would be categorically excluded from the scope of the draft statute. The National Board of Housing, Building and Planning is also of the opinion that the draft statute does not give rise to unjustified double regulation because both the requirements of the draft statute and the Work Environment Authority's regulations may be applied in parallel. As a result, the National Board of Housing, Building and Planning has developed and supplemented Section 5.5.2.

5.5.3 Adaptation of the requirements in case of amendment (Chapter 1, Section 3)

The provision in Chapter 1, Section 3 of the proposal, which specifies the possibility of making minor derogations from the regulations in the light of the requirements of the construction works or the structure, is supplemented by a new documentation requirement. If minor deviations from the regulations are made, the reasons for this and the measures taken to provide adequate health and safety protection shall be documented.

It is the developer who is responsible for ensuring that a measure meets all the requirements of the statute and who decides whether a minor deviation from a provision can be applied. It is therefore appropriate to introduce a requirement for minor deviations to be documented at the design stage. There is no formal requirement as to how the documentation is to be carried out, for example by means of a clear note on a relevant document. The requirement is not considered to be a burdensome task for the developer.

After that, it is the responsibility of the local building committee, as with other rules, to assess whether the developer has applied the rules correctly, for example before issuing a start notice or final notice. The inspection bodies may also need to obtain information on deviations in connection with inspections of motorised devices.

The opinions of the consultation bodies

Several consultation bodies argue that it is unclear how the local building committee should deal with the developers' minor deviations from the regulations and how the documentation is to be made available to them or the inspection bodies. A consultation body also feels that there should be a clearer formal requirement for documentation.

The National Board of Housing, Building and Planning's assessment

The National Board of Housing, Building and Planning has supplemented the text in Section 5.5.3 with a text which states that the local building committee must assess whether the developer has correctly deviated from the regulations and that the inspection bodies may need to consult the deviation documentation.

The National Board of Housing, Building and Planning considers that no adjustments to the draft statute are necessary.

5.5.4 Definitions (Chapter 1, Sections 6–7)

Terms and expressions in the draft statute have the same meaning as in the PBL and PBF.

The definitions of the statute are grouped in a section, Chapter 1, Section 7. Definitions of the terms have their equivalent in the H Regulations.

The reference to 'Planning and construction terms 1994, TNC 95' (TNC) has been deleted. One reason for this is that the publication is no longer kept up to date. This means that if there are other more up-to-date and accurate definitions in other publications, such as standards and manuals, they can be used. However, it is also possible to continue using TNC.

The H Regulations use both the term 'supervision', which is defined in Chapter 1, Section 6 of the PBF, as well as the expression 'continuous supervision'. Given that the meaning referred to by 'supervision' in accordance with Chapter 1, Section 6 of the PBF is not intended, the term 'continuous supervision' throughout this statute is used to avoid misunderstandings.

The opinions of the consultation bodies

One consultation body stated that the definition of tension belts for winter sports or leisure use (execution in accordance with SS-EN 15700:2023) does not fit under any definition of motorised devices.

The National Board of Housing, Building and Planning's assessment

The National Board of Housing, Building and Planning considers that the definition of escalators or travelators in accordance with Chapter 1, Section 7 of the draft statute does not restrict devices according to their area of use. Definitions of motorised devices are not affected by the fact that references to harmonised standards in general advice in the H Regulations are not transferred to the draft statute. Clarification on this is added in Section 5.3 and in the legislation commentary to Chapter 3, Specific provisions for escalators and travelators.

The Board is of the opinion that no adjustments to the draft statute are necessary.

5.5.5 Design, execution, installation and use of motorised devices (Chapter 1, Section 8)

The H Regulations contain a number of provisions that set out the requirements that apply to the execution and installation of various motorised devices. Requirements for execution and installation which apply to all types of devices or which are common to a particular type of device have been included in the draft statute in a provision – Chapter 1, Section 8. In addition, specific requirements for certain types of devices are set out in Chapters 2–7.

It follows from Chapter 1, Section 8, first paragraph that a motorised device shall be professionally designed, constructed and installed so as to provide satisfactory protection for health and safety in use, upkeep, maintenance, and continuous supervision. The requirements of the provision apply to all types of motorised devices that fall within the scope of the draft statute pursuant to Chapter 1, Section 2.

The first paragraph of that provision uses the term 'continuous supervision'. In Chapter 2, Section 1(1) of the H Regulations, the term 'supervision' is used. The amendment aims to clarify that what is meant is the continuous supervision carried out by the person responsible for a motorised device and not such supervision as defined in Chapter 1, Section 6 of the PBF.

Chapter 1, Section 8 specifies the requirements for motorised devices under Chapter 3, Section 10, of the PBF and Chapter 5, Section 12, of the PBF. Chapter 1, Section 8(2) states that certain motorised devices installed in a construction works may be used only if they meet the requirements applicable under certain product regulations or regulations implementing various product directives at the time when the devices were installed and put into service at a particular location. The requirements of the second paragraph of the provision

constitute a clarification of the comparatively more general requirements set out in Chapter 1, Section 8(1).

Motorised devices are to a large extent subject to requirements arising from various EU legislative acts. The legislative acts seek to harmonise the laws of the Member States and aim essentially to promote the free movement of goods and to ensure that they meet essential health and safety requirements. To ensure compliance with the basic substantive requirements for health and safety, the legislative acts also contain formal requirements that must be met before a product is put into service or placed on the market. Such formal requirements include requirements to provide instructions for use, to keep technical information available, to draw up the declaration of conformity and to affix the CE marking. The legislative acts also provide for procedures for assessing the conformity of products with essential requirements. There are harmonised standards for the European legislative acts. Harmonised standards can be used to demonstrate that products or services meet the technical requirements of EU legislation. The full list of harmonised standards under the Machinery Directive can be found on the Commission's website.²¹

The Machinery Directive aims to ensure that machinery meets essential health and safety requirements before it is put into service or placed on the market. The Machinery Directive has been implemented through the Swedish Work Environment Authority's regulations (AFS 2023:4) on products - machinery. The scope of the Machinery Directive is broad and covers a wide variety of products. However, Article 3 of the Machinery Directive provides that specific directives, which deal more specifically with the hazards to be taken into account under Annex 1 to the Machinery Directive, take precedence over the Machinery Directive. This Article expresses the principle that special law applies before general law. It follows from this, for example, that the Machinery Directive shall not apply to motorised devices covered by the Lifts Directive. The Machinery Directive shall also not apply to motorised devices covered by the Cableway Regulation, which is directly applicable and specifically regulates cableway installations.

The Lifts Directive is designed to take into account, in particular, the relevant risks for lifts in order to ensure that lifts meet basic health and safety requirements. The National Board of Housing, Building and Planning's proposal for regulations on lifts for compliance with the Lifts Directive 2014/33/EU transposes parts of the Lifts Directive into Swedish law.

However, the product regulations and provisions implementing the product directives listed above apply only to the products as such, i.e., only to the mo-

²¹ https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/machinery-md_en, retrieved on 27 November 2024.

torised devices themselves. Furthermore, from the point of view of accountability, this is also matter of a product responsibility incumbent solely on various economic operators. On the other hand, the requirements in the draft statute are imposed on motorised devices such as integrated parts in a construction works and also have other subjects of responsibility. The requirements imposed on products as such cannot therefore automatically be imposed on the person responsible for a motorised device under the draft statute. However, Chapter 1, Section 8(2) means that the condition of use as laid down in the draft statute requires that a device must meet certain basic requirements that applied under product ordinances and regulations implementing the product directive at the time when the device was installed and put into service at a certain location. The provision in Chapter 1, Section 8(2) means that the product requirements that applied to a motorised device at the time when it was installed and put into service are also set out as technical characteristics requirements that must be met under the draft statute in order for the device to be used.

The requirements to be met pursuant to Chapter 1, Section 8(2), are thus the requirements in force at the time when the device was installed and put into service. Usually, this means that the product requirements that applied when the device was placed on the market or put into service must also be met as technical characteristics requirements for the device to be used. However, the provision is formulated in such a way that devices which are moved from one installation site, and later installed and put into operation at another location, shall comply with the requirements which would have applied for the device in question if it were placed on the market at the time of the latter installation. The fact that it is the requirements at the time of installation and putting into service at a particular location that apply in accordance with Chapter 1, Section 8(2) also means that devices, in particular those installed and put into service only long after they have been placed on the market, may be subject to requirements for use other than the product requirements that applied to the device at the time of placing on the market.

Motorised devices that fall within the scope of the draft statute are subject to rules on permits, notifications, start notices, final notices, inspections and supervision. The rules referred to are intended to ensure compliance with the substantive and formal basic requirements. Against this background, according to the National Board of Housing, Building and Planning, it is of fundamental importance that all devices falling within the scope of the draft statute under Chapter 1, Section 2, must meet essential health and safety requirements in accordance with the relevant harmonised Community legislation for the device. This achieves uniform requirement levels that are adapted to the hazards relevant to the respective device. The provision in Chapter 1, Section 8(2), aims to ensure that these requirements are met.

In substance, Chapter 1, Section 8(2) is essentially in line with the provisions of the H Regulations. Requirements for certain motorised devices to be executed and installed in accordance with the Swedish Work Environment Authority's regulations can be found in the H Regulations, spread across various provisions. Chapter 2, Sections 12, 15, 16 and 17(1) of the H Regulations state that escalators and travelators, roof-mounted passenger transport devices, entrances and similar devices are subject to the requirements of the Swedish Work Environment Authority's regulations (AFS 2008:3). Chapter 2, Section 4(3) of the H Regulations further states that the same applies to certain types of lift referred to therein which are not covered by Annex 5 to the H Regulations, which implements parts of the Lifts Directive.

In relation to the regulation in the H Regulations, the draft statute means that the requirements that apply to a device according to the Swedish Work Environment Authority's regulations are extended to also include such devices that are not subject to special provisions and which are thus only subject to overall requirements. It follows that motorised entrances, doors, electric gates and similar devices that are opened by a motor and closed by stored energy or vice versa shall also comply with the requirements that apply to the device in accordance with the Swedish Work Environment Authority's regulations. For reasons already mentioned, the National Board of Housing, Building and Planning is of the opinion that all devices falling within the scope of the draft statute must meet essential health and safety requirements in accordance with the relevant harmonised Community legislation.

It follows from Chapter 2, Section 4(2) of the H Regulations that lifts falling within the scope of Annex 5 to the H Regulations shall, in addition, comply with the regulations in Annex 5. Chapter 2, Section 14 of the H Regulations states that cableway installations must, inter alia, be constructed and installed in accordance with the Cableway Regulation.

The National Board of Housing, Building and Planning considers that the proposed division of the H Regulations into different draft statutes and the formulation of Chapter 1, Section 8(2) clarifies, on the one hand, which requirements apply to products and devices installed in construction works and, on the other hand, who is the responsible entity and is therefore responsible for ensuring that different requirements are met.

The opinions of the consultation bodies

The Swedish Work Environment Authority considers it unclear whether the wording regarding the Authority's regulations in Chapter 1, Section 8 of the proposal is intended to be a reference clause or whether it is intended to create a requirement in addition to AFS 2023:4. In addition, the Swedish Work Envi-

ronment Authority considers it unclear who is responsible for ensuring that the requirements of the provision are met and at what time the requirements should be met.

The National Board of Housing, Building and Planning's assessment

The National Board of Housing, Building and Planning considers that responsibility for ensuring compliance with the requirements in the provision follows from the authorisations on which the draft statute is based. However, in order to clarify this, the provision has been adjusted so that it is now explicitly stated that certain requirements must be met in order for a motorised vehicle to be allowed to be *used*.

Based on the view that it is unclear at which point in time the requirements should be met, the regulation has been adjusted to make it clear that it refers to the requirements that were in force at the time when the device was installed and put into service at a particular location.

The National Board of Housing, Building and Planning is of the opinion that it follows from the wording of Chapter 1, Section 8 of the proposal that it is not merely a reference section.

In the provision, the National Board of Housing, Building and Planning refers to additional product ordinances and regulations implementing product directives which must be complied with in order for a motorised device to be allowed to be used. The reason for this is that, according to the National Board of Housing, Building and Planning, the requirements are to be regarded as basic and that the requirements, without further references, would not have been covered by the requirements in the draft statute for motorised devices installed in a construction works.

5.5.6 Inspection of motorised devices (Chapter 1, Sections 10-23)

In the overall provisions on the inspection of motorised devices, some minor amendments and clarifications are made:

- Presentation of the latest inspection report, Chapter 1, Section 16

It is clarified that, if the last inspection concerned an audit inspection, the person responsible for a motorised device shall be able to present to the inspection body both records of the audit inspection and the latest first or periodic inspection.

- Audit inspection, Chapter 1, Section 18

It is clarified in the regulations which modifications warrant an audit inspection. The clarification does not entail any change in relation to what was previously stated in the general advice. However, specific examples of what should be considered as modifications of significant importance for the safety of lifts, and which therefore require audit inspection, are not included in the proposal.

The requirement for an audit inspection is limited by the provision in Chapter 5, Section 8(3) of the PBF to measures involving the *modification* of a motorised device installed in a construction works. What constitutes a modification to a building is defined in Chapter 1, Section 4 of the PBL. A motorised device installed in a building forms an integral part of the building. Therefore, whether measures on such a device are to be regarded as an alteration of a motorised device under Chapter 5, Section 8(3) of the PBF should be assessed under Chapter 1, Section 4 of the PBL.

According to the National Board of Housing, Building and Planning, changes to motorised devices installed in facilities other than buildings should be assessed correspondingly by applying, by analogy, Chapter 1, Section 4 of the PBL. Alterations to a building are defined in Chapter 1, Section 4 of the PBL as one or more measures that alter a building's structure, function, mode of use, appearance or cultural historic value.

- Exemptions from inspection requirements, Chapter 1, Section 20

The provision is slightly reformulated and supplemented with a second paragraph in accordance with examples from the general advice in the H Regulations. However, the provision is not changed in substance.

A prerequisite for the provisions of the draft statute to be applicable is that the device is covered by the definition of motorised devices in accordance with Chapter 1, Section 5 of the PBF. The exemption from inspection under the second paragraph cannot therefore mean that other devices whose function depends on other systems in the building will be subject to inspection requirements in accordance with the draft statute.

- Completion of an inspection, Chapter 1, Section 21

It is clarified that the inspection is completed on the date on which the inspection report is issued by the inspection body.

The opinions of the consultation bodies

Several consultation bodies state that the replacement of all or parts of subsystems for cableway installations or safety components for lifts are essential elements which, in the event of replacement, should require an audit inspection.

A consultation body argues that the clarification as to when the exemption in Chapter 1, Section 20(2) does not apply could mean that certain devices whose functioning depends on other systems in the building and which could not be approved during an inspection, such as fire shutters, are subject to inspection.

The National Board of Housing, Building and Planning's assessment

The National Board of Housing, Building and Planning develops the text in Section 5.5.6 on audit inspection with a reasoning regarding the term 'modification'. Replacement of, for example, safety components for lifts or subsystems or safety components for cableway installations can in itself be of significant importance for safety. However, the decisive factor for whether an audit inspection is required or not is whether the replacement can be considered to be a modification.

In Section 5.5.6, the National Board of Housing, Building and Planning also introduces a new point on the provision on exemption from the verification requirement in Chapter 1, Section 20 and clarifies it with a reasoning on which devices can be covered by the verification requirement in accordance with the draft statute.

The Board is of the opinion that no adjustments to the draft statute are necessary.

5.5.7 Modification of motorised devices (Chapter 1, Section 24)

The draft statute sets out the requirements for the modification of a motorised device. The provision makes it clear that the applicable requirements shall be complied with for the amended or replaced part.

The opinions of the consultation bodies

Several consultation bodies argue that it is necessary to clarify that it is the "current requirements" that are referred to in the case of an amendment.

The National Board of Housing, Building and Planning's assessment

The National Board of Housing, Building and Planning clarifies the provision in the draft statute so that it is clear that it is the requirements at the time of the modification that must be fulfilled.

5.5.8 Operation, continuous supervision, care, and maintenance of motorised devices (Chapter 1, Sections 25–27)

The draft statute sets out overall requirements for the performance of the care, maintenance and continuous supervision of motorised devices. It is clarified that care, maintenance and continuous supervision shall be carried out professionally to a sufficient extent taking into account the frequency of use and the surrounding environment.

The H Regulations contain specific rules, mainly general advice, on the operation, care, maintenance, and supervision of different types of motorised devices.²² Among other things, the general advice for lifts, escalators, motorised entrances and similar devices and cableway installations specify the elements that continuous care and supervision should cover. For cableway installations designed to transport persons, there is also general advice on the operation of such installations. The National Board of Housing, Building and Planning considers that these detailed rules should not be transferred to the new statute. In order to be placed on the market or put into service, motorised devices must be accompanied by instructions for use and other necessary documentation. Normally, it can be assumed that the instructions for operation, continuous supervision, care, and maintenance belonging to the device are suitable to be followed. However, a difference from before may be that it will not be possible to use the National Board of Housing, Building and Planning's regulations as part of the instructions on how to carry out operation, supervision, care, and maintenance. Instead, it must be described in another way in the installation's instructions. If the operating, continuous supervision, care and maintenance instructions of the device are missing or not up to date, guidance for developing or updating the instructions may be obtained from harmonised or other applicable standards, such as SS-EN 13015²³, SS-EN 1709²⁴ and SS-EN 12397²⁵. In addition, the Swedish Ski Areas Industry Association (SLAO) provides useful information on the operation, supervision, care and maintenance of lifts in its Handbook for lift and piste personnel.

The owner or person who is otherwise responsible for a motorised device needs to ensure that the person who, on their behalf, performs care, maintenance, and continuous supervision has knowledge of the device in question and has competence for the task. The H Regulations contain general advice on what the company or organisation carrying out care, maintenance and continuous super-

²² See Chapter 4 of the National Board of Housing, Building and Planning's lifts regulations.

²³ SS-EN 13015 Maintenance of lifts and escalators - Rules for maintenance instructions.

²⁴ SS-EN 1709:2019 Cableway installations - Safety requirements for cableway installations designed to transport persons - Maintenance and inspections during commissioning and operation.

²⁵ SS-EN 12397:2017 Cableway installations - Safety requirements for cableway installations designed to transport persons - Operation.

vision should be able to present to demonstrate its competence.²⁶ The National Board of Housing, Building and Planning does not consider that these detailed rules on documented competence and procedures should be transferred to the draft statute. Instead, the draft statute requires that care, maintenance and continuous supervision shall be carried out professionally to a sufficient extent, taking into account the frequency of use and the surrounding environment. The meaning of the term 'professionally' is explained in Section 5.4 above.

The draft statute sets out requirements that a person who owns or is otherwise responsible for a motorised device shall ensure that a journal is kept of measures carried out for inspection, care, and maintenance, or modifications to the device. The rules have their equivalent in the H Regulations. However, some information in the general advice will be required in the draft statute to document in the journal.

The opinions of the consultation bodies

Several consultation bodies argue that the general advice on operation, continuous supervision, care and maintenance fulfils an important function for the understanding and application of the regulation. One consultation body specifically states that the term 'operator', which describes a specific person responsible for the daily operation of cableway installations in accordance with the general advice in the H Regulations, is not described in the draft statute.

The National Board of Housing, Building and Planning's assessment

The overall requirement for operation, supervision, care and maintenance set out in the draft statute does not change in relation to the requirement in the H Regulations. The level of compliance with the requirement should therefore be considered to be unchanged. What is stated in the general advice in the H Regulations should therefore continue to be considered a reasonable level to meet the requirement. However, a difference from before may be that it will not be possible to use the National Board of Housing, Building and Planning's regulations as part of the instructions on how to carry out operation, supervision, care, and maintenance. Instead, it must be described in another way in the installation's instructions. See the reasoning on associated instructions in Section 5.5.8 above.

The Board is of the opinion that no adjustments to the draft statute are necessary.

²⁶General advice on Chapter 4, Section 1 of the H Regulations.

5.6 Special provisions for different types of motorised devices (Chapters 2–7)

The proposed specific provisions setting out requirements for different types of devices are essentially unchanged from the requirements of the H Regulations. Thus, no changes have been made to the provisions on inspection intervals or exemptions from inspection of certain types of devices. The provisions specifying the retroactive requirements of the PBL and the PBF for existing lifts with a lift car and cableway installations are also unchanged in the draft statute.

In some cases, rules which, in the current statute are general advice, have become regulations in the draft statute. The legislation comments in Section 7 sets out, for each provision, which general advice in the H Regulations is not included in the draft statute and which general advice corresponds in the proposal to regulations, i.e. binding rules.

The draft statute contains the following main differences from the BBR.

5.6.1 Special provisions for lifts

A new provision is proposed, aimed at avoiding that a lift, designed for a particular use, is used by an unauthorised person, Chapter 2, Section 1 of the draft proposal.

Furthermore, a new provision is proposed with specific requirements for access to and the design of machine and pulley rooms, Chapter 2, Section 10 of the draft legislation. Similar rules have previously been laid down in general advice on Chapter 2, Section 11 of the H Regulations by referring to national derogations when using harmonised standards for passenger lifts and goods/passenger lifts.

The opinions of the consultation bodies

The Swedish Work Environment Authority states that they consider that what is stated in the proposal for a new provision on machine and pulley rooms is already regulated by Chapter 3, Section 27 of AFS 2023:12.

The National Board of Housing, Building and Planning's assessment

The planning and building legislation sets out, among other things, basic requirements for buildings that apply regardless of whether other public law requirements apply or may become relevant, see Section 5.5.2. The National Board of Housing, Building and Planning's assessment is that the first paragraph of the provision is relevant. The same applies to the first sentence of the second paragraph regarding floor hatches. The last sentence on staircases or ladders is removed from the draft statute.

5.6.2 Special provisions for escalators

A new provision is proposed with requirements on the layout of rails and balustrades for escalators and travelators, Chapter 3, Section 1 of the draft statute. The National Board of Housing, Building and Planning considers that precise requirements are needed to prevent accidents due to falls on escalators and travelators. The requirement does not specify a measured barrier height. However, the provision states that the height of the fall must be taken into account when designing the barrier or balustrade.

Similar to the National Board of Housing, Building and Planning's regulations (BFS 2024:9) on safety in the use of buildings, the National Board of Housing, Building and Planning considers that it is not appropriate to specify a specific measure for the minimum barrier height for all situations. The National Board of Housing, Building and Planning therefore proposes a general functional requirement whereby a risk assessment may be carried out based on the intended use and fall height. In Chapter 1, Section 8, requirements are laid down for a motorised device to be professionally designed, executed and installed. Professionalism can be achieved, for example, by using an appropriate standard.

The opinions of the consultation bodies

Several referral bodies consider that the height of barriers on escalators should be specified with measurements or that recommended heights should be clarified through guidance and industry regulations.

The National Board of Housing, Building and Planning's assessment

Additions with clarification of reasons for a general functional requirement are made in Section 5.6.2.

The Board is of the opinion that no adjustments to the draft statute are necessary.

5.6.3 Special provisions for cableway installations

A new provision is proposed to replace the intervals for magnetic induction testing of towing and hauling lines for cableways and funicular railways and drag lifts in accordance with the H Regulations, Chapter 4, Section 9. The provision introduces a new requirement for an initial examination. Periodic examinations shall then be carried out at the necessary intervals. The purpose of the amendment is to align the national requirements with the recommendations on examination intervals provided for in the harmonised standard for cableway installations²⁷. Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the es-

²⁷ SS-EN 12927:2019 Safety rules for cableway installations designed to transport persons – Calculations.

sential health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards, to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the Directive or the Regulation in so far as those standards aim to satisfy the essential health and safety requirements. When adapting subsequent intervals according to recommendations in the harmonised standard, the National Board of Housing, Building and Planning assesses that this does not entail any major additions over a reasonable period of time. It is considered that the additional cost of any further examination could be capitalised by the fact that the inspection provides better conditions for planned cable replacement. In addition, the provision provides scope for adapting the frequency of examination to the conditions prevailing in individual cases. See also the National Board of Housing, Building and Planning's assessment of cost and other impact in Section 6.6.3.

Furthermore, it is proposed that a provision in the H Regulations²⁸ stating that parts of cableway installations that need to be lubricated, inspected or replaced must be easily accessible to personnel and offer a good working environment be removed. It follows from the Cableway Regulation that a cableway installation must be designed and constructed in such a way that both routine or special maintenance and repairs can be carried out safely.²⁹ Details on the execution of lubrication, inspection and replacement shall be contained in the facility's instructions. The working environment is regulated by other legislation. The National Board of Housing, Building and Planning therefore considers that the provision on work on cableway installations in the H Regulations should not be included in the new draft statute.

As described in Section 5.3, the National Board of Housing, Building and Planning has considered that most of the rules that are general advice in the H Regulations should not be included in the draft statute. These are largely purely informative references to harmonised standards or rules of other authorities. Other examples of rules that have no equivalent in the proposal are general advice on signs that should be provided at a cableway installation.³⁰ The same applies to Annexes 6 and 7 of the H Regulations with examples of signs for ski lifts and signs warning of the risk of objects getting stuck in the shaft wall. The National Board of Housing, Building and Planning considers that, to a large extent, instructions on the appropriate layout of signs already exist through other authorities' rules, industry documents and standards.

²⁸ Chapter 2, Section 14(6), of the H Regulations.

²⁹ Point 2.8, Annex II, Basic requirements, Cableway Regulation (EU) 2016/424.

³⁰ General advice on Chapter 2, Section 14 of the H Regulations.

The opinions of the consultation bodies

Swedac argues that the National Board of Housing, Building and Planning should consider whether magnetic inductive examinations of towing and hauling cables for cableways and funicular railways and hauling cables for drag lifts, as provided for in Chapter 4, Section 9 of the draft statute, are such an important part of ensuring the functioning of such a device that it is appropriate to impose competence requirements on those who carry out the examinations, and what these requirements should be in such cases.

The National Board of Housing, Building and Planning's assessment

The National Board of Housing, Building and Planning adds that magnetic induction examination of hauling and towing cables for cableways, funicular railways and drag lifts must be carried out in a professional manner in the provision on cable examination. The reasoning regarding the term 'professionally' can be found in Section 5.4.

6 Impact

The National Board of Housing, Building and Planning shall report on the impact that the draft statute may have in the investigation in various respects. The impact assessment shall include statements, analyses and assessments as set out in the Impact Assessment Regulation.

The opinions of the consultation bodies

A consultation body expressed its views on the impact assessment. The Swedish Better Regulation Council stated that the presentation of the proposal's effects on costs and revenues for the companies and the reporting of the companies concerned was inadequate. Thus, the Swedish Better Regulation Council also considered that the reporting of the impact on competition and the need for special consideration of small companies had shortcomings.

The National Board of Housing, Building and Planning's assessment

The National Board of Housing, Building and Planning has supplemented the impact assessment and clarified the financial statements on costs and other impact by highlighting the impact that is also described in Chapter 5. The National Board of Housing, Building and Planning has also clarified the description of the companies concerned and the assessment of how they are affected.

6.1 Description of the problem

There is criticism of the H Regulations, which is based on the fact that the regulations and general advice are often perceived as difficult to read and comprehensive. This depends, among other things, on how the rules are structured and presented. The H Regulations contain, inter alia, a great deal of extensive general advice as well as information or references to other authorities' documents or industry rules. The H Regulations also contain rules in annexes.

According to the National Board of Housing, Building and Planning, the structure of the H Regulations has contributed to an unclear division of roles between the state and the built environment sector. Although general advice is a recommendation, in practice municipalities and developers often apply general advice as regulations. For this reason, the general advice has become largely prescriptive.³¹

³¹ National Board of Housing, Building and Planning. (2020). *Möjligheternas byggregler – Ny modell för Boverkets bygg- och konstruktionsregler* [Building regulations that allow for more possibilities - New model for the National Board of Housing, Building and Planning's building regulations] (report 2020:31).

6.1.1 General advice is used as if it were binding requirements

General advice consists of general recommendations on the application of legislation, indicating how someone may or should act in a certain respect.³² If the wording of the regulation is less precise, the general advice may supplement the regulation by specifying what can or should be done in order to meet the requirement.

There are general advice texts in the H Regulations that also contain extracts from laws and regulations, knowledge dissemination and guidance information, definitions of terms in the regulations, information on when certain requirements of the H Regulations should be applied, and references to other regulations.

In many cases, the H Regulations' general advice refers to standards to provide examples of solutions and verification methods such as measurement methods and calculation methods for meeting the requirements of the regulation. When general advice refers to a particular standard, it may become normative. It may be difficult for the stakeholder to demonstrate compliance with the requirements in the event of non-compliance with the general advice. If the standard contains examples of accepted solutions, there is not much incentive to apply other solutions, as there is a risk that alternative solutions will not be accepted.

If those applying the rules follow an item of general advice, they can be confident that the solution meets the applicable requirements. If, on the other hand, they wish to try some other solution, it cannot always be foreseen what will be required in order for the solution to fulfil the requirements. Disagreement can then arise between the parties concerned regarding how to apply or interpret the general advice. Different interpretations of how the requirements must be met in order for a motorised device to be used may also entail changes that increase the cost of a project.

6.1.2 Extensive and complex regulations

The H Regulations contain rules addressed to different types of stakeholders who have different interests in the application of the rules. The H Regulations contain, for example, rules on the accreditation of inspection bodies and the performance of inspections, which are primarily solely of interest to the inspection bodies. The H Regulations also include the incorporation of rules for permanently installed lifts with lift cars to comply with the Lifts Directive in a comprehensive annex to the statute. The diversity of rules for different stake-

³² Section 1 of the Statutes Ordinance (1976:725).

holders in the same statute complicates understanding and contributes to the fact that the rules are perceived as opaque and unstructured.

In addition, the divisions of chapters in the H Regulations, where rules for different types of motorised devices are intertwined, further contribute to the fact that it can be difficult to sort out what is relevant for the specific case.

6.1.3 Current rules on motorised devices

The rules regarding motorised devices have become increasingly comprehensive over time, both in terms of the number of rules and in terms of the quantity of text. Some of the general problems described above appear in the H regulations. For example, it is common for mandatory provisions to be expressed in general terms and for clarification to be given in general advice. There are also examples of general advice that provides solutions and is therefore difficult to deviate from. Examples of this are the special rules on operation, supervision, care, and maintenance. Such general recommendations have therefore had a more prescriptive effect than intended. It inhibits the development of alternative methods and solutions.

6.2 What change is sought

The draft statute contains regulations for the use of motorised devices grouped into one statute. The division of the rules on motorised devices into three separate regulations clarifies the purpose of the regulations and facilitates understanding. By doing so, the draft statute can better enable stakeholders to comply with the regulations.

Furthermore, the draft statute should have a clear structure with functional requirements. This should make it easier to apply the rules in the same way, since it is clearer what you need to do, rather than how you should or ought to do it.

6.3 If no action is taken (the zero alternative)

The zero alternative means that the current rules in the H Regulations remain unchanged.

6.4 Alternative solutions

The alternative solution to the draft statute is that the specified rules on safety in use, improvement requirements, and maintenance for motorised devices in the H Regulations are repealed and not replaced by new regulations.

If requirements are only laid down at the level of laws and regulations, the risk of accidents involving motorised devices may increase. It can be difficult to interpret the overall social requirements in laws and regulations, which can lead to high implementation costs for the parties concerned. The administrative regulations clarify social requirements, set a minimum level and make the requirements applicable in practice.

The general requirement for inspection of motorised devices in Chapter 5, Section 8 of the PBF presupposes that the National Board of Housing, Building and Planning has issued regulations on which devices are covered, inspection intervals etc. If the National Board of Housing, Building and Planning repeals these regulations without replacing them in the new statute, no requirements for inspection apply, which is not considered to be a realistic alternative.

6.5 Description of the most appropriate alternatives

The zero alternative, not to make any changes to the rules on motorised devices, means that all problems described under the current regulatory structure remain and has therefore not been chosen. The alternative solution of repealing and not replacing the H Regulations has also not been chosen because it entails risks and costs.

The draft statute follows the principles of the general review of the National Board of Housing, Building and Planning's building regulations. The new building and planning rules are intended to clarify the division of roles, which means that the state determines the levels of requirements and that the built environment sector is given more opportunities to develop solutions that meet the requirements. The sector has the expertise and is better able to identify the solutions that need to be developed, in comparison to State governance, which is more detailed and far-reaching.

The requirements for motorised devices remain unchanged, with a few exceptions, compared to the previous rules, but the draft statute consists of comparatively fewer substantive rules. The regulations do not contain any general advice and do not refer to standards or to regulations or guidelines of other authorities or organisations.

In other respects, the National Board of Housing, Building and Planning has analysed the effectiveness, efficiency and impact of alternative solutions for each provision and general advice text. As a result, some of the provisions of the H regulations are not included in the draft statute and parts of the general advice are included as regulations. Some rules have been modified to make them more accurate or more effective. The analyses are presented in Section 5.

6.6 Analysis of the selected alternative

The impact assessment shall include an analysis of the proposals submitted. This section describes, inter alia, the impact that the National Board of Housing, Building and Planning's proposal has on the operators specifically mentioned in Section 7 of the Impact Assessment Ordinance. The analysis shall also take into account the provisions of Sections 8–10 of the Impact Assessment Ordinance relating to whether the proposal or proposals restrict the municipal self-government and the relationship with the EU.

6.6.1 Summary of the impact

The objective of the National Board of Housing, Building and Planning's regulatory work is for the draft statute to have a clear structure. The draft statute is formulated as technology and material neutral verifiable functional requirements, where elements of what is currently found as general advice will be contained in mandatory provisions. The draft statute provides better conditions for an equal application as it makes clearer the requirements that shall be met, rather than how you should or ought to do something.

When the regulations are expressed as functional requirements, without the limitation that the normative role of the general advice may entail, it is made clear that the stakeholders applying the rules are free to propose their own solutions that comply with the regulations. This makes it easier for those who want to apply and introduce solutions, since many people have experienced difficulties gaining support for these solutions because they are not mentioned in the general advice. This will promote cost-effective solutions and innovations that can, in the longer term, help improve productivity and put pressure on construction costs.

Refined rules facilitate understanding

The division into three separate pieces of legislation clarifies the purpose of the rules and facilitates understanding. The proposal contains only binding regulations, which makes it clear what the demands of society are. The status of the general advice has been perceived as unclear. Some people have interpreted advice as binding requirements, while others have interpreted them as an optional recommendation. This uncertainty is removed.

Examples of general advice being made a clearly binding requirement are described in Section 5.

Reduced detail provides more flexibility

Some provisions that may seem restrictive have been removed, such as references to specific technical solutions. This creates the conditions for a more flexible application of the rules than at present and improves the possibilities for technical development.

The general advice that has been removed is considered, in principle, to contribute to the simplification of the statute and, at the same time, to increase the conditions for new solutions, which are two important objectives of the draft statute. The influence of an item of general advice on behaviour and innovation opportunities varies according to the nature of the advice. Under the current rules, there is a risk that the alternative solution will not be accepted, inter alia, additional costs.

There are several examples of the removal of details of general advice or regulation, allowing for more situational assessments and solutions. This is described in Section 5.

The legislation will be less comprehensive

The removal of the general advice reduces the overall scope of rules that need to be consulted by practitioners. Fewer rules make the regulatory framework more transparent. References to other authorities' regulations, standards and manuals and most of the details of the general advice are deleted from the draft statute.

Knowledge and guidance needs to be provided in other ways

The general advice has had a knowledge-transfer function in demonstrating acceptable solutions for motorised devices to be safe. The purpose of the general advice has not only been to understand where the level of requirements should be, but also to understand the level of ambition. Collectively, this has made it possible to compare and value other possible solutions against one another. This function does not exist in the new draft statute. The built environment sector therefore needs to acquire the knowledge in other ways.

Manuals, standards, industry standards and agreements will play an important role in interpreting the rules regarding motorised devices. Much of this development work and administration of existing knowledge is expected to take place via, for example, trade associations. The need for guidance will probably increase initially. The National Board of Housing, Building and Planning will therefore provide guidance on the legislation.

6.6.2 Who is affected by the draft

The draft statute affects, directly or indirectly, owners of motorised devices, for example, property owners and developers, manufacturers, installers, service companies, inspection bodies as well as municipalities, county administrative boards, courts and the National Board of Housing, Building and Planning.

6.6.3 Cost-related and other impacts

The National Board of Housing, Building and Planning considers that the draft statute will have limited direct impact on its application compared to how the current general advice is applied. The draft statute is based on an unchanged level of requirements. The proven solutions that are often applied today will still be usable in the future.

The National Board of Housing, Building and Planning considers that the draft statute will not have a direct impact on human safety. The draft statute essentially regulates the same risk situations as the H regulations and contains few changes with regard to the requirements for motorised devices. Where there is no specification of requirements, the stakeholders who are to apply the rules need to work on risk analysis in individual situations, which may require skills other than is the case with regard to the current rules.

Some cost implications may arise initially as a result of the time needed for learning, adapting working methods and developing skills. In relation to the H Regulations, the provisions of the draft statute have been restructured and become more structured and easy to read. The division into a separate statute clarifies the purpose of the rules and facilitates understanding and application of the rules. It provides for administrative relief which could save time when applying the rules. As a result, the costs associated with regulatory application can be reduced in the long term.

Documentation

The provision in Chapter 1, Section 3 of the proposal, which specifies the possibility of derogating from the regulations in the light of the requirements of the construction works or the structure, is supplemented by a new documentation requirement. In the event of non-compliance with the regulations, the reasons for this and the measures taken to provide adequate health and safety protection shall be documented. It is the developer who is responsible for ensuring that a measure meets all the requirements of the statute and who decides whether a minor deviation from a provision can be applied. It is therefore appropriate to introduce a requirement for minor deviations to be documented at the design stage. There is no formal requirement as to how the documentation is to be carried out, for example by means of a clear note on a relevant document. This documentation also needs to be produced by developers when it is

requested by the inspection bodies in the event of non-compliance with the regulations. The requirement is not considered to be a burdensome task for the developer. It is difficult to take measures that are legally required or subject to notification without documentation showing that the requirements are met in some way, so the National Board of Housing, Building and Planning generally considers that the draft statute has only a small impact on documentation costs.

Professionalism

The term professionally appears in four provisions (Chapter 1, Sections 8 and 25 and Chapter 4, Sections 5 and 9) of the draft statute. The National Board of Housing, Building and Planning considers that it is reasonable to link the overall requirements for the execution and installation and the care, maintenance and continuous supervision of motorised devices to a requirement regarding professionalism. The National Board of Housing, Building and Planning's new building regulations, which enter into force on 1 July 2025, also introduce an explicit requirement that buildings shall be designed and constructed in a professional manner.

The requirement regarding professionalism normally means that the person doing the project design or the work has a level of competence equivalent to that which may be required of a professional in the profession in question. The knowledge and skills needed depend on the field and the complexity of the measure. Professionalism is not linked to any formal training or certification, but the person hired must have the necessary skills for the work.

The National Board of Housing, Building and Planning considers that the requirement for professionalism, that is to say, an explicit requirement for competence, has no economic impact in terms of application. The built environment sector is therefore very experienced in dealing with statutory requirements regarding professionalism. The term 'professional' can be found in the Eurocodes and it is also found in older building regulations. Professionalism can be achieved by means science-based methods, appropriate industry standards, industry codes of practice, or other accepted methods to perform tasks in a professional manner. Anyone wishing to deviate from a standard needs to demonstrate that the requirements of the draft statute provide adequate protection for health and safety during use, care, maintenance, continuous supervision, and control.

Magnetic inductive examination of lifts and cableways

A new provision, Chapter 4, Section 9, is introduced to replace intervals for magnetic induction testing of towing and hauling cables for cableways and funicular railways or drag lifts in accordance with the H Regulations. The provision introduces a new requirement for an initial examination. Periodic exami-

nations shall then be carried out at the necessary intervals. The provision regarding a first magnetic inductive examination of cables may entail an increase in costs for new installation and when replacing cables and that is most noticeable for the smaller installations. According to information provided by inspection companies, the cost of magnetic induction testing depends on the costs of travel, subsistence, accommodation and planning by the customer and the inspection company. According to the information provided by the inspection companies, the cost can be estimated at approximately SEK 7 000 per drag lift and approximately SEK 10 000 per cableway, plus travel costs.

6.6.4 The Central Government

The National Board of Housing, Building and Planning has a different role to play, involving more work on information and guidance and monitoring of the application of the rules. County administrative boards and courts may be affected, if the local planning committees' decisions on start and final notices or decisions in supervisory matters are appealed against. The county administrative boards are also responsible for guiding local planning committees in their supervisory work.

Contested decisions in the construction process

The County Administrative Boards, the Land and Environment Courts and the Land and Environment Court of Appeal are appeal bodies. The draft statute on requirements for use of motorised devices does not contain general advice on how the requirements should or can be met.

This initially means that there is a risk that the planning authority and the developer may interpret differently whether a design or solution complies with the regulations. This could mean that more decisions on start and final notices are appealed against compared to today and an increased workload for the appeal bodies.

The county administrative boards' supervisory guidance

The county administrative boards should provide guidance to local planning committees in their supervisory work. Initially, local planning committees may need more guidance on supervision within the subject matter, since the amount of information in the regulations will be reduced. However, in the longer term, the need is expected to reduce as the committees' gain more knowledge of the new regulatory structure. The workload will then correspond to what is required by the current rules.

Consequences for the National Board of Housing, Building and Planning

The transition from the H Regulations to new regulations will initially lead to an increased need for information and training measures from the National Board of Housing, Building and Planning. These efforts should be addressed to all the different stakeholders who come into contact with the regulations on requirements for use of motorised devices in their work. The aim is for everyone to understand the rules so that they can be implemented more easily.

References to manuals and standards are removed, as well as references to other authorities' rules. They have made it easier for readers who want to develop an increased knowledge of the subject, pointing to the need to take into account other relevant rules. The general advice also contains some valuable information that needs to be taken into account.

Information and training measures early in the change process eases the transition efforts of the municipalities and reduces any increase in costs that may arise during the transition phase. The aim is also to create the conditions for effective and, as far as possible, equal application of rules, both between individual cases and between municipalities.

The parts relating to requirements for use of motorised devices in the web-based handbook in the Planning and Building Act, PBL Knowledge Bank, need to be reworked. More questions can be expected and thus there is a risk of an initial increase in workload. However, the burden will be reduced in tandem with operators learning ways of working that fit the new structure.

Finally, in the long term, the new regulations will also affect the National Board of Housing, Building and Planning's allocation of resources. Once the general advice and references to standards are removed, the National Board of Housing, Building and Planning can devote fewer resources to monitoring and amending the rules as the standards are updated. With fewer rules and rules that no longer need to be amended as frequently, less support and guidance on the rules for motorised devices may also be needed in the long term.

The National Board of Housing, Building and Planning will need to continuously monitor the application of the regulations and, if necessary, review and amend certain parts. This is a long-term exercise and therefore the need for resources cannot be assessed.

Consequences for other authorities

The draft statute is not expected to have any considerable impact on central state authorities, apart from the National Board of Housing, Building and Planning.

Initially, however, the accreditation authority Swedac may be affected to a limited extent, since the replacement of the existing H Regulations with new regulations is deemed to necessitate the renewal of the accreditation of the inspection bodies. The Swedish Work Environment Authority could also be affected indirectly to a lesser extent in its role as a supervisory authority with regard to the provisions on inspection of motorised devices installed in construction works that are subject to supervision under the Work Environment Act (1977:1160).

6.6.5 Municipalities

The task of the municipalities is not changing, but the draft statute may lead to changes in working methods and may also increase the need for training. The National Board of Housing, Building and Planning considers that the municipalities will, after a transition period, have better conditions for a more efficient way of working.

The opportunity to propose solutions other than those in the current general advice could provide a better understanding of social requirements, which should contribute to better compliance with building regulations. This may also facilitate the processing by the local building committees and reduce the need for supervision.

A local building committee can utilise the requirement regarding professionalism to, for example, request clearer documents or to reject design and execution that are insufficiently qualified for the measure in question to be assumed to meet the health and safety requirements at the time of completion and over time. The provision reinforces the mandate of the local building committees to request the documents required for such an assessment. Imposing requirements regarding professionalism therefore also helps to clarify the division of roles in the built environment sector.

The draft statute may initially give rise to some uncertainty as to how the regulations are to be applied, as guidance information previously contained in general advice has been removed. The impact on the work of local planning committees will vary, but is particularly noticeable in the areas where the general advice has been used to assess the level of requirements. The National Board of Housing, Building and Planning considers that, after a transition period, the committees' officials will be in a better position to create a more efficient way of working.

6.6.6 Businesses

The draft statute concerns companies that are owners of motorised devices, developers and property owners, as well as installers, service companies, consultants and inspection bodies.

Developers or the party responsible for motorised devices

The party responsible for a motorised device is responsible for ensuring that a motorised device meets the social requirements specified in the National Board of Housing, Building and Planning's regulations. Developers and property owners who own lifts or other motorised devices are therefore affected by the regulations on requirements for the use of motorised devices.

Property owners and developers are a heterogeneous group consisting, on the one hand, of large property owners with a portfolio of thousands of properties and, on the other hand, of small property owners or private individuals with few or single properties in their portfolio. There are approximately 84 000 companies engaged in property management and trade in properties. Of these companies, 90% have no employees and 98% employ 0 to 4 employees. Six companies have 500 or more employees.³³

Companies which are owners of motorised devices and which can be affected are also found in a wide variety of industries and sectors. Property owners, as owners of commercial property, offices or residences, may be responsible for, for example, lifts, motorised entrances and escalators.

Owners of motorised devices may also operate ski installations, where there is ownership responsibility for cableways, funicular railways and drag lifts. According to the Swedish Ski Areas Industry Association (SLAO), there are approximately 200 lift installations in Sweden. Of these, the number of lifts in Sweden is known for 109 installations and together amounts to 792. For the other 83 installations, it is estimated that there are 124 lifts. The largest operator is Skistar, accounting for approximately 60% of the turnover of the 16 largest installations.

The party who owns or is otherwise responsible for a motorised device shall ensure that the device works and meets the safety requirements in use. The responsibility includes ensuring that the device receives continuous supervision, upkeep, and maintenance. The party responsible for a motorised device is also responsible for ensuring that the device is inspected by an independent accredited

³³ SCB SNI 2007. 68,100 trade with own real estate, 68,201 property companies, dwellings, 68,202 property companies, industrial premises, 68,203 property companies, other premises, 68,209 other property companies, 68,320 property managers on commission. Statistics Sweden, https://www.statistikdatabasen.scb.se/pxweb/sv/ssd/START_NV_NV0101/FD-BR07N/, visited 20/02/2025.

ited inspection body in accordance with the National Board of Housing, Building and Planning's regulations in cases where it is required to do so.

However, the implementation of the necessary measures and thereby the application of the regulation are mainly carried out by installers, service companies and inspection bodies and ordered by the party who builds, owns or manages properties and other installations with motorised devices. Those directly affected are therefore those who, on behalf of owners of motorised devices (developers and property owners and others), perform regulated tasks, interpret the regulatory framework and make assessments of whether installations meet the applicable requirements.

Developers, property owners and owners of lifts or other motorised devices are mainly indirectly affected by the consequences that may arise for the companies which the owner of a motorised facility engages to carry out regulated tasks and to ensure that installations meet the applicable requirements.

Installers, service companies and consultants

Installers and service companies manufacture, assemble and maintain lifts or certain other motorised devices. Consultancy firms offer services in areas such as design and project management. The companies are affected by the rules that exist for motorised devices and need to relate to the regulatory framework in their professional role. They shall either supply an installation that meets the applicable requirements or provide other services on order by the person who builds, owns or manages properties and other facilities with motorised devices.

There are around 25 companies that install lifts, either wholly or in part. It is estimated that there are 100–150 companies involved in the conversion of lifts. In addition, there are some 20 independent lift consultants who help with the planning for the conversion of lifts.³⁴

The entrance industry consists of swing doors, sliding doors, folding doors, high-speed doors, roller shutters, roller grilles, roller doors, garage doors, gates, road barriers and related products and services. There are approximately 200 companies that service and install doors. The largest are nationwide, but the majority are local companies with 5–400 employees.

Inspection bodies

The inspection bodies are affected by the rules in place for motorised devices. The tasks of the inspection bodies include carrying out regulated tasks, interpreting the regulatory framework and making assessments of whether installations meet the applicable requirements in individual cases.

³⁴ Task to investigate measures for certain safety risks in older lifts (Report 2021:23), the National Board of Housing, Building and Planning.

Lifts and certain other motorised devices are to be inspected by accredited inspection bodies when required. The inspection shall be carried out at specified intervals to ensure that the motorised device complies with the requirements of health and safety protection.

There are nine companies in Sweden that are accredited inspection bodies for the control of motorised devices.³⁵ Six of the companies have 1–15 employees and offices in one or more locations. One company has approximately 80 employees. Two companies have approximately 600 and 700 employees respectively, and offices in several locations in the country.

Impact on competitiveness

The draft is not expected to have any direct impact on competitiveness.

Other impact on companies

Training materials, manuals, guides and suchlike that refer to the H Regulations will need to be amended. Internal documents such as checklists, supporting documents for self-inspections, quality assurance etc. will need to be rewritten with new references and new regulatory wordings. This also applies to literature, digital aids and the like. This is considered to be a relatively significant effort for the industry initially. Much of the necessary development work and administration of the development work carried out is expected to take place via trade associations.

Special consideration of small enterprises

The draft statute on requirements for the use of motorised devices is not considered to have a particular impact on small enterprises.

6.6.7 The European Union

The draft statute is in line with the obligations of Sweden's membership of the European Union.

Before deciding that the draft statute is to enter into force, it needs to be notified to the National Board of Trade for further notification to the European Commission.³⁶ This notification procedure is required for technical regulations and is intended to ensure the free movement of goods within the EU internal market, see Section 3.2. The National Board of Housing, Building and Planning considers that the proposal does not contain rules relating to access to or

³⁵ <https://search.swedac.se/sv/ackrediteringar?s=bfs+2011%3A12>, retrieved on 27 November 2024.

³⁶ Section 6 of the Ordinance (1994:2029) on technical rules and the Regulations of the National Board of Trade (KFS 2020:1) on technical rules relating to enforcement.

the exercise of a service activity. The proposal is therefore deemed not to be subject to notification under the EU Services Directive³⁷; see Section 3.3.

6.6.8 The Nordic countries

The draft statute removes certain details in the rules currently in force, but the National Board of Housing, Building and Planning considers that this will not make future initiatives for Nordic harmonisation in this area more difficult.

6.6.9 Environment and climate

The draft statute is not considered to have any specific environmental and climate consequences. The current regulations of the National Board of Housing, Building and Planning and the draft regulations on requirements for use of motorised devices are based on the risks of accidents and the basic requirements set out in the PBF. The environmental impact resulting from, for example, the use of material is therefore primarily derived from the PBF.

6.6.10 Cultural environment and architecture and designed living environment

The draft statute is not considered to have any impact on architecture and designed living environment. The level of requirements in the draft regulation regarding the preservation of cultural values is deemed to be unchanged compared to the current rules and, from that point of view, the draft statute has no impact.

6.6.11 Social sustainability

The proposal may affect households and individuals in their role of developers, property owners, occupants and users of buildings, as well as citizens of municipalities.

Residents and users

The draft statute has no cost or health implications for residents and users, as the proposal as a whole does not change the level of requirements and thus does not change the safety level of buildings.

Persons with disabilities

The National Board of Housing, Building and Planning considers that the draft regulations on the use of motorised devices do not have any specific consequences for persons with disabilities. The level of requirements remains essentially unchanged and the functional requirements are essentially the same as in the H Regulations.

³⁷ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

Children and young people

The National Board of Housing, Building and Planning considers that the proposal does not have a direct impact on children compared to the H Regulations. This is because the level of requirements remains essentially unchanged. The functional requirements relevant to child safety are essentially the same as in the H Regulations.

Elderly

The National Board of Housing, Building and Planning considers that the draft statute does not have a direct impact on elderly people compared to the H Regulations. The level of requirements remains essentially unchanged and the functional requirements are essentially the same as in the H Regulations.

Integration and housing segregation

The National Board of Housing, Building and Planning has not identified any direct consequences relating to integration and housing segregation.

Equality

The National Board of Housing, Building and Planning considers that the draft statute does not have direct consequences from a gender perspective compared to the rules in force.

Public health

The National Board of Housing, Building and Planning considers that the draft statute does not affect public health because the basic level of requirements remains unchanged and because the substantive amendments proposed do not have an impact on public health.

Consultation on issues concerning the Sami people

The National Board of Housing, Building and Planning has not identified any direct consequences which are deemed to be of particular importance for the Sami.

6.6.12 Description of measures

Measures and decisions taken by the public authorities should be socio-economically justified, proportionate and cost-effective.³⁸ This means that the National Board of Housing, Building and Planning's proposals for new rules for motorised devices should be drafted in such a way that they do not entail more far-reaching costs and restrictions for the operators concerned than are necessary to achieve the objective of the measure in question.

³⁸ Ds 2022:22 Better impact assessments, p. 93.

The National Board of Housing, Building and Planning has ensured that the proposal does not entail more far-reaching costs and limitations than are necessary to achieve its objective, mainly by exploring alternative solutions. For each regulation, the National Board of Housing, Building and Planning has analysed the effectiveness, efficiency and impact of alternative solutions. As a result, some of the rules in the H Regulations are not included in the draft statute and parts of the H Regulations' general advice are included as regulations. Some rules have been modified to make them more accurate or more effective.

The consequences of the proposal have been described in Sections 6.6.1–6.6.11. Taking into account the impacts presented there, the National Board of Housing, Building and Planning considers that the proposal does not entail more far-reaching costs and restrictions than are necessary to achieve its objective.

6.7 Entry into force, information initiatives and evaluation

6.7.1 Entry into force and transitional provisions

The new statute is proposed to enter into force on 1 December 2025 at the same time as the new regulations of the National Board of Housing, Building and Planning on the performance of inspections and accreditation of inspection bodies for motorised devices and the National Board of Housing, Building and Planning's regulations on lifts for compliance with the Lifts Directive 2014/33/EU. At the same time, the H Regulations will be repealed by other legislation.³⁹

The draft statute, compared to the current H Regulations, essentially represents a structural change and simplification of rules. The proposal introduces few substantive changes and does not in principle change the requirements for the devices themselves. The National Board of Housing, Building and Planning therefore considers that there is no need for a transitional period during which the developer or the person responsible for a device can choose whether to apply the new statute or the earlier provisions. The statute repealing the H Regulations requires a transitional provision to ensure that inspection reports issued before 1 December 2025, based on an assessment against the provisions of the H Regulations on motorised devices, remain valid.

6.7.2 Special information efforts

In order for the regulations to have the intended effect at the time of entry into force, information measures should be targeted at the practitioners of the rules.

³⁹ The National Board of Housing, Building and Planning's draft regulations (20xx:xx) amending the Board's Regulations and general advice (2011:12) on lifts and certain other motorised devices.

This can be done through the National Board of Housing, Building and Planning's regular channels – such as the knowledge bank and guidance documents – but also through more targeted training courses and seminars.

6.7.3 Evaluation

It is proposed that the new regulations enter into force on 1 December 2025. In order to ensure the correct application of the new rules, it is important to follow up and evaluate the rules.⁴⁰

The National Board of Housing, Building and Planning considers that an evaluation of the three new statutes on motorised devices can be carried out continuously from its entry into force. However, a first overall evaluation should not be carried out until around the year 2028–2029 at the same time as the evaluation planned for the National Board of Housing, Building and Planning's other new building regulations. Several different stakeholders are affected by and apply the rules in the three proposed statutes. An evaluation should include the consequences for developers, owners, and others responsible for motorised devices, inspection bodies, and local building committees in particular.

⁴⁰ Section 7(5) of the Ordinance (2024:183) on Impact Assessments.

7 Legislation comments

7.1 Draft regulations on requirements for the use of motorised devices

By virtue of Chapter 10, Section 3(4-5), Section 8, Section 11, Section 15(1-2), Section 17(2), Section 19(1)(1), Section 20 and Section 26(6-7) of the Planning and Building Ordinance (2011:338), the National Board of Housing, Building and Planning hereby lays down⁴¹ the following.

Chapter 1. General provisions

Content of the statute

Section 1 This statute lays down regulations on:

1. inspection and use of motorised devices in accordance with Chapter 5, Sections 8 and 12 of the Planning and Building Ordinance (2011:338);
2. technical characteristics requirements for safety in use in accordance with Chapter 3, Section 10 of the Planning and Building Ordinance (2011:338);
3. specific safety requirements regarding existing lifts pursuant to Chapter 3, Section 11(4–6) and Chapter 3, Section 12, last paragraph of the Planning and Building Ordinance (2011:338);
4. safety when using cableway installations constructed before 3 May 2004 and covered by Chapter 8, Section 24 of the Planning and Building Act (2010:900) pursuant to Chapter 8, Section 4(1)(4) of the same Act;
5. exemptions from the technical characteristics requirements for modifications of construction works under Chapter 8, Section 7 of the Planning and Building Act (2010:900); and
6. maintenance in accordance with Chapter 8, Section 14(3) of the Planning and Building Act (2010:900).

The statute also contains regulations on the languages to be used in certain documents relating to cableway installations and subsystems and safety components for cableway installations in accordance with Regulation (EU) No 2016/424 of the European Parliament and of the Council on cableway installations and repealing Directive 2000/9/EC.

The corresponding provision is contained in Chapter 1, Section 1(1) of the National Board of Housing, Building and Planning's Regulations and general advice (2011:12) on lifts and certain other motorised devices, the H Regulations.

Further considerations can be found in Section 5.5.1.

Scope of the regulations

Section 2 The regulations apply to motorised devices as referred to in Chapter 1, Section 5 of the Planning and Building Ordinance (2011:338) with the clarifications set out in this statute.

⁴¹ See Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

The space and equipment required for a motorised device to be run, operated, maintained, and checked appertain to said device.

The statute covers cableway installations for passenger transport within the scope of Regulation (EU) 2016/424.

The regulations in Chapter 1 include general provisions for all types of motorised devices.

The regulations in Chapter 2 include provisions for lifts.

The regulations in Chapter 3 include provisions for escalators and travelators.

The regulations in Chapter 4 include provisions for cableway installations.

The regulations in Chapter 5 include provisions for roof-mounted passenger transport devices.

The regulations in Chapter 6 include provisions for motorised entrances and similar devices.

The regulations in Chapter 7 include provisions for motorised waste disposal devices.

The corresponding provision is contained in Chapter 1, Section 1(2–3) of the H Regulations.

The purpose of the provision is to clarify the scope of the various parts of the statute.

Under Chapter 1, Section 5(2) of the PBF, motorised devices do not mean devices intended to be used only by specially instructed personnel on a professional basis. Chapter 1, Section 3(2) of the H Regulations states that the statute covers car, supervisory and paternoster lifts, but not construction hoists. There is no corresponding rule in the draft statute. However, no significant changes are intended.

Construction hoists will continue to be excluded from the scope of the draft statute. However, this also applies to other devices, such as crane and mine lifts. However, this applies provided that the devices are intended to be used only by specially instructed personnel on a professional basis. The National Board of Housing, Building and Planning therefore considers that there are no grounds for specifically excluding construction hoists from the scope of the draft statute. Furthermore, it is considered that it is also not possible for the National Board of Housing, Building and Planning to specify more precisely which devices fall outside the scope of application.

According to Chapter 1, Section 5 of the H Regulations, motorised entrances and similar devices that are part of a machinery facility or which constitute protection against access to the facility are excluded from the scope of the statute. The provision does not contain any corresponding exceptions. However, no significant changes are intended. Such facilities remain excluded from the scope of the draft statute, provided, however, that the devices are intended to be used only by specially instructed staff on a professional basis in accordance with Chapter 1, Section 5(2) of the PBF. Therefore, neither this type of

devices nor construction hoists are categorically excluded from the scope of the draft statute, even if they usually fall outside the scope. Further considerations can be found in Section 5.5.2.

Examples in general advice on spaces belonging to the motorised device in the H Regulations are not transferred to the draft statute. Such spaces may include machine rooms, operating rooms and equipment to release and evacuate trapped persons. Nor are references to the relevant sections of the National Board of Housing, Building and Planning's other building regulations and other authorities' rules transferred to the draft statute. These apply regardless and do not affect the responsibility of the parties concerned to comply with regulations, including regulations other than those relating to motorised devices.

Adaptation of the requirements on modifications

Section 3 Minor deviations may be made from the provisions of this statute in individual cases if the motorised device still provides adequate health and safety protection, and if

1. unreasonable costs would be incurred because of the characteristics of the works or the device; or
2. when modifying a device or replacing a certain part of the device would be inappropriate for reasons of caution, taking into account the characteristics and values of the construction works.

Where minor derogations as referred to in the first subparagraph are applied, the reasons for this and the measures taken to provide adequate health and safety protection shall be documented.

The corresponding provision is contained in Chapter 2, Section 2 of the H Regulations. The provision is supplemented with a new requirement on documentation.

The provision regulates the possibility of minor derogations from the requirements in the case of modification of a construction works or a motorised device as part of a construction works. Thus, there is the possibility of adapting the requirements if a motorised device is installed in an existing construction works or if a certain part is replaced in a motorised device or it is modified in some other way.

If the requirements of the regulations become unreasonable in an individual case, it is possible to deviate from them under certain conditions. Solutions which meet the purpose of the requirements of the regulations may then be accepted, even though they are formally contrary to the wording of the regulations.

Responsibility for the appropriateness of a minor derogation lies with the developer. If, on the other hand, the developer incorrectly applies the minor derogation rule, the local building committee, as in the case of other building rules,

may intervene by way of supervision. The treatment of minor derogation does not differ from the way in which the rules of the statute are otherwise dealt with.

If the minor derogation provision is applied, the reasons for it shall be documented. In addition, the measures taken to ensure the protection of health and safety must be described. There is no formal requirement as to how the documentation is to be carried out, for example by means of a clear note on a relevant document. According to Section 27, it shall be noted in the journal in which respects minor derogations have been made in the event of an alteration of a motorised device. The content of the documentation requirement is further elaborated in Section 5.5.3.

Decision of the local building committee concerning inspection intervals for periodic inspections

Section 4 If a motorised device is, due to its use, particularly unlikely to suffer a reduction in operational reliability, the local building committee may, in each individual case, decide on longer inspection intervals than those specified in this statute, but no longer than twice the specified interval.

The corresponding provision is contained in Chapter 3, Section 16 of the H Regulations.

The provision allows the local building committee to decide, in individual cases, on longer inspection intervals for the periodic inspection than that specified in the regulation for the type of device in question.

The owner or party who is otherwise responsible for the motorised device needs to be able to demonstrate to the local building committee that there are special reasons for extending the interval. Information about the extended inspection interval must also be available for presentation to the inspection body responsible for carrying out the inspection.

Section 5 If there are special reasons for doing so, the local building committee may grant a postponement of inspection for a maximum of six months. Subsequent inspection intervals shall be calculated from the time until which a postponement has been granted.

The corresponding provision is contained in Chapter 3, Section 17 of the H Regulations.

The provision allows the local building committee to decide to postpone the periodic inspection by a maximum of six months if there are special reasons to do so.

The owner or party who is otherwise responsible for the motorised device needs to be able to demonstrate the reasons to the local building committee. In-

formation about the changed inspection interval must also be available for presentation to the inspection body responsible for carrying out the inspection.

The general advice on what can be considered as special reasons in the H Regulations is not transferred to the draft statute, as what is stated is more of an example and could be restrictive in an assessment. In addition to specific reasons being exemplified in general advice in the H Regulations, such as inspections taking place during the operating season and inspections resulting in significant financial losses, the National Board of Housing, Building and Planning has issued information in connection with the COVID-19 pandemic stating that it considers the current situation with the spread of coronavirus to be a specific reason for deferral. The spread of disease in society leads to difficulties in performing inspections in a timely manner and could thus entail motorised devices being affected by a ban on use.

Definitions

Section 6 Terms and expressions in this statute have the same meaning as in the Planning and Building Act (2010:900) and the Planning and Building Ordinance (2011:338).

The corresponding provision is contained in Chapter 1, Section 8 of the H Regulations.

The provision ensures that terms contained in law, ordinance and these mandatory provisions have the same meaning.

The reference to 'Planning and construction terms 1994, TNC 95' (TNC) has been deleted. One reason for this is that the publication is no longer kept up to date. This means that if there are other more up-to-date and accurate definitions in other publications, such as standards and manuals, they can be used. However, it is also possible to continue using TNC.

Another reason for the deletion of reference to TNC is that it is important that definitions that are necessary in the regulations are dealt with directly in their context. They are set out in Section 7.

Section 7 The following definitions shall apply in this statute:

funicular railway: a cableway installation in which the transporting devices are hauled by one or more cables along a track that may lie on the ground or be supported by fixed structures;

lift: a motorised lifting device with a lift car, platform or other load-bearing part intended for permanent installation, which is controlled by guides, walls, scissor systems or the like, and which, between fixed landings, transports people, people and goods or only goods in the case of freight and service lifts;

cable car: a cableway installation where the transporting devices are suspended from and propelled by one or more cables;

cableway installation: entire on-site system, consisting of infrastructure and subsystems, designed, constructed, assembled and put into service for the purpose of trans-

porting persons, where the movement is carried out using cables along the line of travel;

motorised waste disposal device: a motorised device for the handling of waste in a building or the removal of waste from a building, such as motorised waste transport lift, waste suction, stationary compressor and sweep auger intended for permanent installation;

motorised entrance and similar device: a gate, door, wall, grating or fence that is opened and closed by engine power, and which is intended to be used for the passage of persons or for the passage of vehicles as referred to in the Vehicles Act (2002:574) or with vehicles running on rails;

escalator and travelator: an escalator and travelator that is motorised and transports persons or persons and goods between different points of boarding and alighting, placed at the same or different levels;

drag lift: a cableway installation where the passengers with appropriate equipment are towed along a prepared track;

small lift: a simpler type of drag lift. In the case of a small lift, the upstream part of the hauling cable is assumed not to be supported by intermediate poles and cable pulleys and to be low, usually at waist height. It is also assumed that the persons transported are pulled by holding directly on to the hauling cable or handles attached to the cable;

roof-mounted transport device: a roof-mounted transport device in a building, which is operated by the passenger. In the case of roof-mounted passenger transport devices, where the passenger lifting part consists of a wheelchair, the chair is also part of the device.

Provisions with corresponding definitions can be found in Chapter 1, Sections 3–7 of the H Regulations and the Cableway Regulation. However, the definitions of cableway installation and funicular railway are new. They comply with the definitions in the Cableway Regulation.

The National Board of Housing, Building and Planning's proposal for regulations on lifts for compliance with the Lifts Directive 2014/33/EU uses other definitions for lift. The definition of a roof-mounted transport device means that patient lifts are not included, since such devices are not operated by the passenger.

Terms which are not customary and which are used in the regulations need to be defined in the legislation so that the regulations are correctly applied and have the intended effect.

Design, execution, installation and use of motorised devices

Section 8 Motorised devices shall be professionally designed and installed so as to provide satisfactory protection for health and safety in use, care, maintenance, and continuous supervision.

A motorised device installed in a construction works and falling within the scope of Regulation (EU) No 2016/424 on cableway installations or Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and on repealing Directive 2006/42/EC of the European Parliament and of the Council and Directive 73/361/EEC of the Council or Swedish regulations implementing Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of Member States relating to lifts and safety components for lifts or Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery and amending Directive 95/16/EC into Swedish law, may only be used if it complies with the essential requirements that applied to the device when it was installed and put into service at a specific location.

The provision corresponds to Chapter 2, Section 1(1), Chapter 2, Section 4(2–3), Chapter 2, Section 12, Chapter 2, Section 15(1), Chapter 2, Section 16(1), and Chapter 2, Section 17(1) of the H Regulations.

The first paragraph of the provision sets out a general technical and material-neutral functional requirement that applies to all types of motorised devices. In relation to the corresponding provision in Chapter 2, Section 1(1) of the H Regulations, requirements for uniformity of execution and installation are set out. It is also clarified that the developer must design the project in a professional manner so that the motorised device meets the requirements imposed on the device. What the requirement regarding professionalism implies is more closely developed in Section 5.4.

The first paragraph of that provision uses the term ‘continuous supervision’. In Chapter 2, Section 1(1) of the H Regulations, the term ‘supervision’ is used. The amendment aims to clarify that what is meant is the continuous supervision carried out by the person responsible for a motorised device and not the supervision referred to in Chapter 1, Section 6 of the PBF.

In accordance with Chapter 1, Section 8(1), a motorised device shall be professionally designed, constructed and installed so as to provide satisfactory protection for health and safety in use, care, maintenance, and continuous supervision.

The second paragraph of the provision may be said to specify the requirements of the first paragraph as regards those motorised devices which, at the time when the devices were installed and put into service at a certain location, were covered by certain product regulations referred to in the provision or Swedish regulations implementing product directives. Product requirements that were in force at the relevant time must be met in order for a device to be used in accordance with Chapter 1, Section 8(2). It is the party who owns or is otherwise responsible for the motorised device that is responsible for ensuring that a device that is being used meets the requirements of Chapter 1, Section 8(2).

Specific provisions for different types of devices are set out in Chapters 2–7 of the draft statute. A motorised device shall meet both the overall requirements in Chapter 1 and the specific provisions that may apply to the device in accordance with Chapters 2–7.

Risks related to connected building parts

Section 9 Building parts connected to a motorised device or otherwise affected by the installation of such a device shall be so positioned and constructed as to limit the risk of personal injury by falling, collision, crushing or tripping.

The corresponding provision is contained in Chapter 2, Section 3 of the H Regulations.

References to the relevant sections of the National Board of Housing, Building and Planning's other building regulations and other authorities' rules in general advice in the H Regulations are not transferred to the draft statute. These apply regardless and do not affect the responsibility of the parties concerned to comply with regulations, including regulations other than those relating to motorised devices.

The general advice on the risk of accidents to children due to incorrect use of balustrades in the H Regulations has been rewritten as a specific provision for escalators in Chapter 3, Section 1. Reference to appropriate safety distances to building parts adjacent to escalators and travelators according to the harmonised standard for escalators⁴² is not transferred to the draft statute. Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the essential health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the directive or the regulation in so far as those standards aim to satisfy the essential health and safety requirements.

Inspections of motorised devices

Section 10 This Ordinance lays down when the owner or the person otherwise responsible for a motorised device is obliged to ensure that it is inspected and at what intervals. Provisions on the inspection of motorised devices are laid down in Chapter 5, Sections 8-11 of the Planning and Building Ordinance (2011:338) and in the regulations issued in connection with these provisions.

The corresponding provision is contained in Chapter 3, Section 1 of the H Regulations.

According to the provision in Chapter 5, Section 10 of the PBF, the company engaged for the inspection of motorised devices must be accredited for the

⁴² SS-EN 115-1:2017 Safety of escalators and travelators – Part 1: Design and installation.

task. Requirements for accreditation of inspection bodies are set out in the National Board of Housing, Building and Planning's draft regulations on the conduct of inspections and accreditation of inspection bodies for motorised devices. The list of accredited inspection bodies for the H Regulations can be found at the national accreditation body Swedac.⁴³

First inspection

Section 11 Before a motorised device in accordance with Chapters 2 to 7 is put into service, it shall be inspected (first inspection), unless it is covered by exemptions under Chapter 1, Section 20, Chapter 6, Sections 4, 6, 7 and 8 or Chapter 7, Section 2.

The corresponding provision is contained in Chapter 3, Section 1(1) of the H Regulations.

The provision is a clarification of the provision in Chapter 5, Section 8 of the PBF on the cases in which motorised devices must be inspected before they are put into service for the first time.

Section 12 Shortcomings that remain after the completion of the initial inspection and which have been deemed not to pose an immediate risk to health and safety in accordance with Chapter 3, Section 7 of the National Board of Housing, Building and Planning's regulations (20xx:xx) on the performance of inspections and the accreditation of inspection bodies for motorised devices shall be rectified as soon as possible after the completion of the inspection and checked by the inspection body in the next inspection.

The corresponding provision is contained in Chapter 3, Section 11, second sentence of the H Regulations.

The provision states that deficiencies which persist when an inspection is completed and which the inspection body has deemed not to be of a serious nature must be rectified as soon as possible. If the requirement is not complied with, the municipality can intervene on the basis of Chapter 11 of the PBL. The inspection body checks that the necessary measures have been taken at the next inspection. If shortcomings remain, they will be considered to pose an immediate risk to health and safety.

Provisions on the scope and performance of inspections and the assessment of deficiencies are set out in the National Board of Housing, Building and Planning's draft regulations on the carrying out of inspections and accreditation of inspection bodies for motorised devices.

Periodic inspection

Section 13 Motorised devices pursuant to Chapters 2–7 shall, as long as they are in use, be subject to periodic inspections, unless they are covered by an exemption under Chapter 4, Section 10, Chapter 6, Sections 4–8 or Chapter 7, Section 2.

⁴³ <https://search.swedac.se/sv/ackrediteringar?s=bfs+2011%3A12>, retrieved on 27 November 2024.

The corresponding provision is contained in Chapter 3, Section 12 of the H Regulations.

The provision is a clarification of the provision in Chapter 5, Section 8 of the PBF on the cases in which motorised devices must be inspected by means of periodic inspections.

Section 14 Periodic inspections may commence no earlier than six months before the expiry of the current inspection interval.

The corresponding provision is contained in Chapter 3, Section 13, third sentence of the H Regulations.

In order to reduce the risks that may arise from an excessive interval between inspections, it is regulated that a periodic inspection may begin no earlier than six months before the end of the inspection interval.

The provision that periodic inspections shall be carried out in good time in the H Regulations is not transferred to the draft statute. The same applies to the provision that the owner or party otherwise responsible for a motorised device shall ensure that inspection can be initiated no later than two months before and completed before the end of the current inspection interval. It is understood that it is in the interest of the owner or the person otherwise responsible for the device to ensure that the inspection can be completed before the inspection interval has passed. Chapter 5, Section 13 of the PBF states that if the inspection has not been carried out within the prescribed time limit, the motorised device may not be used until the inspection has been carried out.

The general advice that an inspection is considered to have commenced when the verification of information that the periodic inspection must cover in accordance with the regulations has been initiated in the H Regulations is not transferred to the draft statute.

Provisions on the scope and performance of inspections and the assessment of deficiencies are set out in the National Board of Housing, Building and Planning's draft regulations on the carrying out of inspections and accreditation of inspection bodies for motorised devices.

Section 15 The inspection interval for the first periodic inspection is calculated from the month in which the first inspection was completed without adverse comments or with a comment that the motorised device only has deficiencies that in total are not deemed to have an immediate impact on health and safety.

Where a first inspection is not required, the inspection interval for the first periodic inspection shall be calculated from the month in which the device was put into service.

The next inspection interval is calculated from the end of the previous inspection interval.

Shorter inspection intervals may be chosen by the party that owns or is otherwise responsible for the device. Subsequent inspection intervals shall then be calculated from the end of the shortened interval.

The corresponding provisions are found in Chapter 3, Sections 14–16 of the H Regulations.

The provision sets out the conditions for calculating the inspection interval. The end of the inspection interval shall be indicated in the inspection report and on the inspection plate of the device.

Inspection reports shall be issued by the inspection body after completion of the inspection. Furthermore, an inspection plate shall be issued or updated by the inspection body after an inspection has been carried out if the inspection has been completed without comment or only with comments referring to deficiencies that, even taken together, are not deemed to be of immediate importance in view of the health and safety requirements under Chapter 1, Section 22. For devices exempted from initial inspection, the device owner is responsible for ensuring that the equipment is fitted with an inspection plate in accordance with Section 23 of Chapter 1.

Provisions concerning the inspection bodies' requirements for inspection reports and inspection plates are set out in the National Board of Housing, Building and Planning's draft regulations on the performance of inspections and accreditation of inspection bodies for motorised devices.

Section 16 A person who owns or is otherwise responsible for a motorised device shall, in the case of a periodic inspection, submit the report of the last inspection to the inspection body. If the most recent inspection concerned audit inspection, a report from the most recent first or periodic inspection shall also be presented.

The corresponding provision is contained in Chapter 3, Section 23(1) of the H Regulations. The provision is supplemented by an indication that other previous records must also be available if the most recent inspection relates to an audit inspection.

During periodic inspections, the inspection body shall check that defects identified during the previous inspection, but not considered to be of immediate significance to health and safety, have been rectified. Otherwise, all shortcomings that remain after completed inspection will be considered to pose an immediate risk to health and safety. This is not checked during the audit inspection. A person who owns or is otherwise responsible for a motorised device must therefore also be able to present reports from the latest initial or periodic inspection.

Provisions on the scope and performance of inspections and the assessment of deficiencies are set out in the National Board of Housing, Building and Plan-

ning's draft regulations on the carrying out of inspections and accreditation of inspection bodies for motorised devices.

Section 17 Shortcomings that remain after completed periodic inspection and which, individually, do not pose an immediate risk to health and safety in accordance with Chapter 3, Section 14 of the National Board of Housing, Building and Planning's regulations (20xx:xx) on the performance of inspections and accreditation of inspection bodies for motorised devices shall be rectified within one month after completion of the inspection and checked by the inspection body in the next inspection.

The corresponding provision is contained in Chapter 3, Section 24, second sentence of the H Regulations.

The provision states that deficiencies that remain after an inspection has been completed and which the inspection body has deemed not to be of a serious nature must be remedied within one month. If the requirement is not complied with, the municipality can intervene on the basis of Chapter 11 of the PBL. The inspection body checks that the necessary measures have been taken at the next inspection. If shortcomings remain, they will be considered to pose an immediate risk to health and safety.

Revision inspection

Section 18 When modifying a motorised device in accordance with Chapters 2 to 7, the device shall be inspected before it is put back into service, unless it is covered by an exemption under Chapter 6, Section 4 or Chapter 7, Section 2, if the modification concerns:

1. replacement of an existing motorised device with another new or used device, unless the replacement entails a requirement for an initial inspection;
2. modification of activities in the building or other modification of the building that may significantly affect the safety of the motorised device;
3. modification of the basic conditions of the device;
4. modification of essential elements or the replacement of essential elements to another type; or
5. any other modification having a significant impact on safety.

The corresponding provision is contained in Chapter 3, Section 25 of the H Regulations and related general advice.

The provision is a clarification of the provision in Chapter 5, Section 8 of the PBF on the cases in which motorised devices must be inspected before the device is first put into service after being modified. See reasoning on the concept of modification in Section 5.5.6.

The application of the regulation on audit inspection has been clarified by introducing a bullet list with indication of the modifications referred to, instead of indicating previously that a device which has been modified in a manner which is essential for safety, shall be audited before it is put back into service.

The clarification with a bullet list does not entail any change in relation to what has previously been stated as an example in the general advice in the H Regulations. The general advice with examples is not transferred to the draft statute.

Section 19 Shortcomings that remain after a completed audit inspection and which have been deemed not to pose an immediate risk to health and safety in accordance with Chapter 3, Section 16 of the National Board of Housing, Building and Planning's regulations (BFS 20xx:xx) on the performance of inspections and the accreditation of inspection bodies for motorised devices shall be rectified as soon as possible after completion of the inspection and checked by the inspection body in the next inspection.

The corresponding provision is contained in Chapter 3, Section 27 of the H Regulations by referring to Chapter 3, Section 11 of the same statute.

The provision states that deficiencies which persist when an inspection is completed and which the inspection body has deemed not to be of a serious nature must be rectified as soon as possible. If the requirement is not complied with, the municipality can intervene on the basis of Chapter 11 of the PBL. The inspection body checks that the necessary measures have been taken at the next inspection. If shortcomings remain, they will be considered to pose an immediate risk to health and safety.

Provisions on the scope and performance of inspections and the assessment of deficiencies are set out in the National Board of Housing, Building and Planning's draft regulations on the carrying out of inspections and accreditation of inspection bodies for motorised devices.

Exemptions from inspection requirements

Section 20 A motorised device that, according to a certification, complies with the requirements laid down in the relevant Community harmonisation legislation is exempt from the initial inspection in the respects specified in the certification.

The exemption does not apply to devices or parts of devices whose function depends on other systems in the building.

The corresponding provision is contained in Chapter 3, Section 28 of the H Regulations. The provision is supplemented with an indication that the exemption does not apply to devices or parts of devices whose function depends on other systems in the building.

The addition in the second paragraph is a clarification of when an initial inspection is required for devices that are certified. Similar clarification can be found in examples from general advice in the H Regulations and does not imply any substantive change. General advice with clarification as to which parts of an initial inspection can be exempted and related examples are otherwise not transferred to the draft statute. The declaration of conformity drawn up for the appliance shall state what is covered by the attestation of conformity. The exemption may apply to design examination or both design examination and installation inspection. The relevant Community harmonisation legislation refers primarily to the Lifts Directive and the Machinery Directive. Other systems in the building refer primarily to fire alarm or fire detection systems.

Initiation of inspection

Section 21 The inspection shall be completed on the date on which the inspection body issues an inspection report.

The corresponding provision is contained in Chapter 3, Section 3 of the H Regulations and related general advice.

The provision provides clarification on when the inspection is to be considered completed. Chapter 5, Section 11 of the PBF states that the inspection body must draw up an inspection report.

The provision under Chapter 3, Section 3 of the H Regulations that the inspection must be completed at the latest before the end of the current inspection interval is deleted. The National Board of Housing, Building and Planning's assessment is that it cannot be regulated when an inspection is to be completed. The owner or person otherwise responsible for a motorised device needs to ensure that inspection can be initiated in good time to enable it to be completed before the end of the current inspection interval. See also legislation commentary on Chapter 1, Section 14.

Inspection plate

Section 22 The owner of a motorised device or the person who is otherwise responsible for the device shall ensure that the most recently issued inspection plate is securely attached to the device in a clearly visible place for users.

The corresponding provision is contained in Chapter 3, Section 34 of the H Regulations.

The provision states that the owner or party otherwise responsible for a motorised device is responsible for the device's inspection plate being displayed and visible to users.

The inspection plate is issued by, or updated by, the inspection body after the inspection has been carried out if the inspection has been completed without comment or with comments only relating to deficiencies that, even taken together, are not deemed to be of immediate importance in terms of the health and safety requirements. In the case of devices exempted from first inspection, the owner of the device shall be responsible for producing and providing the device with an information plate in accordance with Section 23.

Provisions on the inspection bodies' requirements for issuing or updating inspection plates are set out in the National Board of Housing, Building and Planning's draft regulations on the performance of inspections and accreditation of inspection bodies for motorised devices.

General advice clarifying where the plate shall be placed for specific devices in the H Regulations is not transferred to the draft statute.

Section 23 Motorised devices that are subject to periodic inspection and are exempt from the requirement for an initial inspection shall have a permanent information plate provided by the owner of the device. The plate shall be in place before the device is put into service and the plate shall state when the first periodic inspection is to be carried out (year and month).

The corresponding provision is contained in Chapter 3, Section 35 of the H Regulations.

The provision shall ensure that motorised devices that are exempted from initial inspection, but which are to undergo periodic inspection in order to be used, are also provided with a plate stating when periodic inspection is to be carried out the next time. The requirement to create and set up such an information plate is then the responsibility of the owner of the device.

Modification of motorised devices

Section 24 In the event of a modification to a motorised device or replacement of a certain part of the device, the modified or replaced part shall comply with the requirements in force at the time of the modification.

The corresponding provision is found in Chapter 2, Section 1(2) of the H Regulations and associated general advice.

The provision means that the applicable requirements must be met when a certain part is modified or replaced. However, the requirement applies only to what has been modified or replaced. In some cases, the modification or replacement of a part of the device may mean that measures also need to be taken in other parts of the device in order for the modified or replaced part to comply with the applicable requirements. The reference to the applicable requirements means that, in addition to the requirements under this statute, the relevant re-

requirements for motorised devices in other regulations shall also be met. Section 3 regulates the possibility, in certain cases, to make minor deviations from the requirements when modifying a motorised device.

Operation, continuous supervision, care, and maintenance of motorised devices

Section 25 The owner or person who is otherwise responsible for a motorised device shall ensure that the device is operated, continuously supervised, cared for and maintained so that it provides adequate protection for health and safety in use, upkeep, maintenance, continuous supervision and inspection.

Care, maintenance and continuous supervision of the device shall be carried out professionally to a sufficient extent, taking into account the frequency of use and the surrounding environment.

The corresponding provision is contained in Chapter 4, Section 1 of the H Regulations and related general advice.

The provision shall ensure that the device is safe to use at all times. It is the owner or person who is otherwise responsible for the device who is responsible for ensuring that it receives the care and maintenance that may be required.

Overall requirements for the performance of care, maintenance and continuous supervision, as well as requirements to be imposed on the person carrying out the task, are removed from general advice to regulation. Otherwise, general advice to Chapter 4, Section 1 and subsequent general advice under special provisions for different device types in the H Regulations are not transferred to the draft statute.

An addition has been made to the effect that tasks are to be performed in a professional manner. The reasoning regarding the term 'professionally' can be found in Section 5.4. In order to distinguish the supervision that the person responsible for a motorised device shall perform on a regular basis from official supervision aimed at correcting infringements, the term 'supervision' is supplemented by the term 'continuous'.

In order to be placed on the market or put into service, motorised devices must be accompanied by instructions for use and other necessary documentation. Normally, it can be assumed that the instructions for operation, continuous supervision, care, and maintenance belonging to the device are suitable to be followed. If these are missing or not up-to-date, information for producing or updating the instructions may be obtained from the relevant harmonised standards or similar documents.

The owner or person who is otherwise responsible for a motorised device needs to ensure that the person who, on their behalf, performs care, maintenance, and continuous supervision has knowledge of the device in question and has docu-

mented procedures for the work. In addition, there are requirements from other authorities to which the company or party carrying out work must adhere.

Journal

Section 26 A person who owns or is otherwise responsible for a motorised device shall ensure that a journal is kept. The journal shall contain information on:

1. measures performed for continuous supervision, care and maintenance or modifications to the device;
2. the operating intensity of the device;
3. downtime occurred and the reason for it;
4. accidents or incidents occurred; and
5. other information necessary to carry out inspection.

The journal shall be made available to accredited inspection bodies during the inspection and to the supervisory authority upon request.

The corresponding provision is found in Chapter 4, Section 2 of the H Regulations and associated general advice.

The provision sets out the information necessary for the inspection of the appliance by the inspection body, as well as information which may be of relevance to the supervisory authority in an inspection case. Certain points from the general advice to Chapter 4, Section 2 of the H Regulations, such as information on operational intensity, stops and accidents or incidents, are considered to be essential data for carrying out inspection and supervision. These are therefore made into regulatory requirements. Other points such as copies of the inspection report and maintenance instructions are important documents controlled by the inspection body, but they do not have a direct link to the journal, and are therefore not included.

Depending on the type of device, there may also need to be other information necessary to carry out inspections.

More detailed requirements regarding what is to be noted in connection with the performance of measures for continuous supervision, care and maintenance or modification of the device can be found in Section 27.

Section 27 On each occasion that measures for continuous supervision, care and maintenance or modification of the device are taken, an entry shall be made in the journal of:

1. the date of the measure or modification;
2. the scope of the measure or modification; and
3. who carried out the measure or modification.

In the event of modification to a device, the journal shall also show:

1. whether the modification has prompted an audit inspection; and
2. where appropriate, the respects in which, pursuant to Chapter 1, Section 3, there have been minor deviations from Chapter 1, Section 24.

The corresponding provision is contained in Chapter 4, Section 2 of the H Regulations.

The provision clarifies the information that shall be stated in the journal according to Section 26 concerning measures taken for inspection, care and maintenance or modifications to the device.

Chapter 2. Special provisions for lifts

The Chapter contains provisions corresponding to Chapter 2, Section 1, Section 4(2–3), Section 7, Section 8(1–2), Sections 9 and 10, Chapter 3, Section 18 and Chapter 5, Sections 1–2a of the H Regulations and general advice on Chapter 2, Sections 4 and 11 of the H Regulations.

The Chapter contains specific provisions for lifts that apply in addition to the overall provisions of Chapter 1. In addition, other regulations impose requirements regarding lifts.

Lifts falling within the scope of the National Board of Housing, Building and Planning's draft regulations on lifts for compliance with the Lifts Directive must also comply with the requirements set out in the said draft statute, see further Section 5.2.2. Unlike the H Regulations, the draft statute does not provide any information about such statutes or rules that do not need to be specifically mentioned in order to be applicable. The draft statute thus does not contain any references to other relevant provisions in the draft statute or other applicable rules such as the BBR and the National Board of Housing, Building and Planning's Regulations and general advice (2011:10) on the application of European construction standards (Eurocodes). These rules apply regardless of and do not affect the responsibility of the parties concerned to comply with rules, including rules other than those relating to motorised devices. The applicable statutes and rules may be clarified in guidance accompanying the draft statute, if necessary.

It follows from Chapter 1, Section 8(2), that a lift which is not covered by the National Board of Housing, Building and Planning's draft regulations on lifts for the fulfilment of the Lifts Directive shall instead comply with the requirements imposed on the lift in accordance with the Swedish Work Environment Authority's regulations (AFS 2023:4) on products – machinery. On 20 January 2027, the new EU Machinery Regulation⁴⁴ will enter into force. The Machinery Directive and thus also the Swedish Work Environment Authority's Regulations (AFS 2023:4) on products – machinery are hereby repealed.

⁴⁴ Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC.

Unlike the H Regulations, the draft statute does not contain any general advice providing information on established harmonised standards. Complete lists of all harmonised standards under the Lifts Directive and the Machinery Directive can be found on the Commission's websites.⁴⁵

Execution and installation of lifts

Authorisation for use

Section 1 Risks associated with unauthorised use of a lift intended to be operated only by authorised persons shall be limited if the lift is easily accessible.

The provision is new and aims to ensure that a lift designed for certain use is not used in any other way. The equivalent can be found in the general advice to Chapter 2, Section 4 of the H Regulations.

The new provision does not entail any change in relation to what has previously been stated as examples in the general advice in order to meet satisfactory health and safety protection during use.

Emergency evacuation

Section 2 In all lifts that allow passenger transport, the necessary measures shall be taken that facilitate authorised access to the lift machine room from the entrance to the building.

The corresponding provisions are contained in Chapter 2, Section 6 of the H Regulations.

Lift servicing companies, rescue services and police, among others, may need to have access to lift machine rooms in certain situations. Measures shall therefore be taken to facilitate such access from the entrance to the building.

General advice with examples of appropriate solutions in the case of the use of keys to the machine room and information on access routes to the lift machine room in the H Regulations is not transferred to the draft statute.

Signs and notices

Section 3 Information on who is operating a lift and who to contact in the event of a fault in a lift shall be clearly visible in connection with each lift or group of lifts for passenger transport in the building's ground floor and, if applicable, also in each lift car for lifts for passenger transport.

If the lift is switched off, means shall be provided to indicate this at each landing.

The corresponding provisions are contained in Chapter 2, Section 7 of the H Regulations.

⁴⁵ https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/lifts_en and https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/machinery-md_en, retrieved on 27 November 2024.

In order to make it easier for users of a lift to get in touch with the company responsible for the management of passenger lifts, contact details must be provided in connection with the lift at the entrance of the building. Normally, there should also be such information in the lift car.

If a lift has been closed for repair/maintenance or for any other reason, it shall be clearly marked with the devices at each landing indicating that the lift may not be used.

Lift shafts, etc.

Section 4 A lift shaft may only contain devices that are part of the lift installation.

The corresponding provisions are contained in Chapter 2, Section 8(1), first sentence, of the H Regulations.

For new lifts, a lift shaft may only contain such devices as are included in the lift installation. The requirement also applies to the modification of an existing lift in accordance with Chapter 1, Section 24. However, in the case of alterations to an existing lift, minor deviations from the requirement under Chapter 1, Section 3 may be made in certain situations. This applies, for example, to the routing of cables in the lift shaft. However, the requirements for derogations under Chapter 1, Section 3 must be met and, following the modification, the lift must nevertheless provide adequate protection for health and safety.

Section 5 Building elements that enclose a lift shaft may only have door and hatch openings that are required for the use of the lift, continuous supervision and emergency evacuation. The doors and hatches shall be designed to limit the risk of personal injury.

The corresponding provisions are set out in Chapter 2, Section 8(1), second sentence, of the H Regulations.

The provision regulates the conditions for building components that enclose lift shafts in order to comply with the applicable health and safety requirements.

Section 6 Lift shafts shall be executed in such a manner that an emergency evacuation can be carried out without performing extensive work on the structure of the lift shaft.

The corresponding provisions are contained in Chapter 2, Section 8(2) of the H Regulations.

The provision regulates the conditions for emergency evacuation in order to comply with applicable health and safety requirements.

Section 7 Lift shaft walls that can be accessed by persons or goods shall have a strength sufficient for the purpose for which the lift is to be used and a level, hard and smooth surface that limits the risk of injury to persons or the lift.

The corresponding provision is contained in Chapter 2, Section 9 of the H Regulations.

If persons or goods can come into contact with walls in lift shafts, the walls shall be designed in such a way as to limit the risk of injury. This applies both to the risk of injury to persons and to the lift. According to the provision, wall surfaces that can be reached by persons or goods shall be even, hard and smooth. The area of use of the lift can also be decisive for the performance of walls that can be accessed by persons or goods. In order to limit the risk of injury to persons or the lift, walls shall withstand the impact to which they may be exposed.

General advice with examples of wall surfaces that can be considered to be sufficiently hard and smooth in the H Regulations is not transferred to the draft statute.

Section 8 Spaces beneath the bottom of a lift shaft may be used to run pipes and electrical cables if the space is separate and lockable. If the space is accessible, special measures shall be taken to limit the risk of personal injury if the lift car or counterweight crashes down.

The corresponding provisions are contained in Chapter 2, Section 10 of the H Regulations.

If spaces beneath the shaft of a lift are used to convey pipes or electrical cables and if the space can be accessed, it shall be ensured that the risk of personal injury in case of a falling lift car or counterweight is limited.

General advice, given that examples of special measures to limit the risk of such damage are contained in the harmonised standard in the H Regulations, will not be transferred to the draft statute. Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the essential health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the directive or the regulation in so far as those standards aim to satisfy the essential health and safety requirements.

Elevator and pulley room, access routes

Section 9 Lift machinery with associated devices and pulleys shall be placed in a room or other space that can be reached by fixed internal access routes without the lift needing to be used.

Spaces for the machinery of lifts and pulleys may only contain devices for the installation of lifts. An elevator machine room may be common to several lifts.

The corresponding provisions are contained in Chapter 2, Section 10 of the H Regulations.

The provision specifies the requirements for access to machine and pulley rooms and what may be provided in such space.

Further rules on access to and design of operating spaces are laid down in the National Board of Housing, Building and Planning's Regulations (2024:9) on safety in the use of buildings⁴⁶. It states, for example, that the route of access to the operating space via a residential apartment may be provided only to installations intended solely for that dwelling.

General advice that contains a reference to general requirements for operational spaces under the BBR, a reference to, for example, the harmonised standard, and information on national deviations that are set out in repealed standards and which should be taken into account when applying the current standard in the H Regulations, will not be transferred to the draft statute. Requirements under the BBR apply regardless of and do not affect the responsibility of the operators concerned in order to comply with rules, even other than the rules on motorised devices. A new provision clarifying the requirements for machinery and pulley rooms is introduced in accordance with Section 10 in order to continue to achieve the equivalent level of safety previously established by the general advice.

Section 10 Engine and pulley rooms shall be accessible in a safe manner and have sufficient area and clearance, so as to limit the risk of ill health and accidents.

A floor hatch may only be provided for the transport of machine parts.

A new provision laying down specific requirements for access to and design of machine and pulley rooms. Similar rules have previously been laid down in general advice on Chapter 2, Section 11 of the H Regulations by referring to national derogations when using harmonised standards for passenger lifts and goods/passenger lifts.

Rules on access to and design of operational spaces can also be found in the National Board of Housing, Building and Planning's Regulations (2024:9) on safety in the use of buildings and the Swedish Work Environment Authority's rules on workplace design⁴⁷.

Inspection of lifts

Periodic inspection

Section 11 Lifts shall be inspected at the following inspection intervals:

⁴⁶ The regulation enters into force on 1 July 2025 and replaces the corresponding provisions in the BBR.

⁴⁷ The Work Environment Authority's Regulations and general advice (AFS 2023:12) on the design of workplaces.

1. first periodic inspection: 2 years;
2. subsequent periodic inspections:
 - a) goods lifts and service lifts 2 years;
 - b) waste transport lifts
 - c) stairway lifts 2 years;
 - d) platform lifts designed to serve a maximum of two dwellings 2 years; and
 - e) other lifts: 1 year.

The corresponding provision is contained in Chapter 3, Section 18 of the H Regulations.

The provision specifies intervals for the periodic inspection of lifts. The first periodic inspection shall be carried out after two years. Thereafter, inspections shall be carried out at intervals of one or two years, depending on the type of lift. The intervals are unchanged compared to the current rules.

Improvement requirements for existing lifts with a lift car

Requirements for protection in the lift car opening

Section 12 Lifts intended for passenger transport which, according to Chapter 3, Section 11(4a) of the Planning and Building Ordinance (2011:338), must be equipped with a lift car door or other suitable protection in the lift car opening, refer to lifts with a lift car intended for the transport of persons or persons and goods in buildings that mainly contain work premises.

Other protection in the lift car opening instead of in the lift car door can in individual cases be accepted if the installation of the lift car door entails unreasonable costs, is inappropriate for reasons of caution or if accessibility for persons with reduced mobility or orientation capacity is impaired. When using other protection in the lift car opening instead of the lift car door, the lift shall still provide adequate protection for health and safety.

The corresponding provision is contained in Chapter 5, Section 2 of the H Regulations.

The provision is a clarification of the improvement requirement for existing lifts in buildings according to Chapter 3, Section 11(4)(a) of the PBF. Protection in lift car openings refers primarily to lift car doors. Lift car doors shall meet the same requirements as for a new lift. The requirement also applies if there are other lifts in a building serving the same premises.

General advice with examples of appropriate solutions and other information on how the requirement should be applied in the H Regulations is not transferred to the draft statute.

Examples of suitable construction and installation of car lift doors can be found in the harmonised standard for lifts⁴⁸. The installation of other protection, such as a photocell device or a lift car gate instead of a lift car door, can only be ac-

⁴⁸ SS-EN 81-20:2020 Safety rules for the construction and installation of lifts - Lifts for the transport of persons and goods - Part 20: Passenger and goods/passenger lifts.

cepted if the installation of the car door entails unreasonable costs or is inappropriate for reasons of caution or if accessibility for persons with disabilities is impaired. Even in cases where a building has several lifts that serve the same premises, all of the lifts shall have adequate protection against the risk of crushing. Normally, it can be assumed that a lift will at some point be used for the transport of goods or other objects as soon as it is accessible and operational.

Warning sign requirements

Section 13 Lifts intended for the transport of persons which, in accordance with Chapter 3, Section 11(4b) of the Planning and Building Ordinance (2011:338), must be equipped with a warning sign, refer to lifts that do not have a lift car door or lift car gate at least one lift car opening and either have a lift shaft or a lift car or both.

The sign should be easy to understand and be placed so as to be clearly visible both in the lift car and on the platform lift platform and outside the lift shaft at each landing.

The corresponding provision is contained in Chapter 5, Section 1 of the H Regulations.

The provision is a clarification of the improvement requirement for existing lifts in buildings according to Chapter 3, Section 11(4)(b) of the PBF. In buildings which do not mainly contain working spaces, lifts with a lift car which do not have a car door or gate at any lift car opening shall be provided with a warning sign to warn of the risk of being clamped by objects trapped in the shaft wall.

The requirement applies to all passenger lifts and regardless of whether the lift is intended for the transport of goods or not. This means that platform lifts in lift shafts are also subject to the requirement. Lifts with a lift car that lack both a lift shaft and a lift car door or lift car gate are also subject to the requirement, as they have at least one landing door in which goods and other objects can be trapped. The provision means that lifts with a photocell device at the opening of the lift car are also subject to the requirement of a warning sign.

General advice with examples of appropriately designed warning signs, their location and other information about the application is not transferred to the draft statute. General rules on signs for health and safety are contained in regulations issued by the Swedish Work Environment Authority⁴⁹. In order to facilitate comprehension, pictograms with associated text may be used.

The sign should be suitably located so as to be clearly visible on or near each shaft door and in the lift car. In cases where the lift has more lift car openings, there shall be appropriately placed signs for each individual lift car opening.

⁴⁹ The Swedish Work Environment Authority's Regulations and general guidelines (AFS 2023:12) on the design of workplaces.

Requirements for protection in spaces between doors

Section 14 Appropriate protection in the space between the shaft door and the lift car door or lift car gate as referred to in Chapter 3, Section 11(5) of the Planning and Building Ordinance (2011:338) means protection that prevents the lift being used if someone, or something, is between the doors.

Where protection that physically restricts some of the space between the doors is used, the lift must also be provided with a safety device to monitor the space.

The corresponding provision is contained in Chapter 5, Section 2a of the H Regulations.

The provision is a clarification of the improvement requirement for existing lifts in buildings according to Chapter 3, Section 11(5) of the PBF and specifies what is meant by 'appropriate protection between the shaft door and the car door or car gate'. It also clarifies what the protection must achieve and what is required as a minimum measure to meet the safety requirement of the Ordinance. According to the PBF, the improvement requirement must be implemented no later than 1 October 2031.

Requirements for measures in the event of alterations

Section 15 According to Chapter 3, Section 11(6) of the Planning and Building Ordinance (2011:338), lifts that are to be attended to in order to improve safety during use refer to existing lifts with a lift car intended for the transport of persons.

Measures in the event of modifications in accordance with Sections 16 and 17 of the lifts concerned shall be fulfilled no later than three months after the start of the modification work or replacement.

The corresponding provision is contained in Chapter 2, Section 1(3) of the H Regulations.

The provision is a clarification of the improvement requirement for existing lifts in buildings according to Chapter 3, Section 11(6) of the PBF, and specifies which lifts are covered and when the measures must be implemented. The changes to a lift that may give rise to measures are specified in Sections 16 and 17.

Section 16 When modifying or replacing the lift control system, controller frame or machinery, as well as replacement of the lift car's interior or of the entire lift car, the following points shall be met for existing lifts with a lift car designed for the transport of persons.

1. Controls in the lift car and at landings as well as other equipment in the lift car shall be suitable for use by persons with reduced mobility or orientation capacity in accordance with points 1.6.1 and 1.6.2 of Annex I to Directive 2014/33/EU.

2. Lift car doors shall be designed in accordance with points 3.1 and 4.1 of Annex I to Directive 2014/33/EU in lifts that lack a door at a lift car opening. In cases where the lift has more than one lift car opening, the requirement applies to all openings. Protection other than a lift car door may be accepted in individual cases for reasons set out in Section 12(2), if the lift nevertheless provides adequate protection for health and safety.

3. Communication systems shall enable a permanent connection to a rapid response service in accordance with points 4.5 and 4.9 of Annex I to Directive 2014/33/EU.

4. Good lighting and emergency lighting shall be provided in the lift car in accordance with points 4.8 and 4.9 of Annex I to Directive 2014/33/EU.

5. There shall be protection against overloading of the lift in accordance with point 1.4.1 of Annex I to Directive 2014/33/EU. However, this requirement applies only to replacements of entire lift cars.

The corresponding provision is contained in Chapter 2, Section 1 of the H Regulations.

The provision is a clarification of the improvement requirement for existing lifts in buildings according to Chapter 3, Section 11(6) of the PBF and specifies the measures to be taken in the event of alterations to or replacements of the lift's control system, controller frame or machinery, as well as replacement of the lift car's interior or of the entire lift car.

General advice with examples of appropriate performance of measures and references to appropriate solutions in accordance with harmonised standards in the H Regulations is not transferred to the draft statute. Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the essential health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the directive or the regulation in so far as those standards aim to satisfy the essential health and safety requirements.

Requirements for the design of lifts or other hoisting devices with regard to accessibility for persons with reduced mobility or orientation capacity are contained in the National Board of Housing, Building and Planning's draft regulations on accessibility and usability for persons with reduced mobility or orientation capacity in buildings.

Other safety devices instead of car lift doors can be used if the lift is nevertheless considered to be sufficiently safe. Examples of such safety devices may be a monitored photocell device or lift car gate.

When using a photocell device, hazards to which passengers may be exposed, if the photocell device is activated, need to be taken into account. This may concern, for example, maximum deceleration forces and the movement of the lift car before stopping. Other risks from photocell devices that need to be considered are the risk of tripping if the car is not at the same level as the landing when it stops. If a lift car gate is installed, safety risks with openings between bars shall be taken into account.

Section 17 When modifying or replacing the lift control system, controller frame or machinery, the following points must be satisfied on existing lifts with lift cars intended for passenger transport, in addition to the requirements in Section 16.

1. A contact safety device to protect against electrical shocks from the door latch and door contacts of a shaft door shall be provided in accordance with point 1.6.4 (d) of Annex I to Directive 2014/33/EU.

2. There shall be free space or other steps taken in accordance with point 2.2 of Annex I to Directive 2014/33/EU in order to prevent the risk of crushing of a person located in the lift pit or at the head of the shaft by the lift car. This requirement does not apply to lifts with free spaces designed in accordance with the Swedish Board of Occupational Health and Safety's Instructions No 92 (1973) or in accordance with corresponding subsequently applicable rules.

3. Devices to facilitate the evacuation of enclosed passengers shall be provided in accordance with point 4.4 of Annex I to Directive 2014/33/EU.

4. Adequate lighting in the lift shafts and machinery space for care, maintenance and inspection shall be provided in accordance with point 1.1 of Annex I to Directive 2014/33/EU and point 1.1.4 of Annex 1 to the Work Environment Authority's regulations (AFS 2023:4) on products – machinery.

The corresponding provision is contained in Chapter 2, Section 1 of the H Regulations.

The provision specifies the improvement requirement for existing lifts in buildings in accordance with Chapter 3, Section 11(6) of the PBF and sets out the measures to be taken in addition to that referred to in Section 16 when the lift's control system, controller frame or machinery is altered or changed.

General advice with examples of appropriate performance of measures and references to appropriate solutions in accordance with harmonised standards in the H Regulations is not transferred to the draft statute. Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the essential health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the directive or the regulation in so far as those standards aim to satisfy the essential health and safety requirements.

The harmonised standard for persons and goods/passenger lifts⁵⁰ specifies examples of appropriate design of the free space, with measurements and dimensions of spaces and safety distances needed to prevent the risk of crushing people located in the lift pit or at the head of the shaft. The harmonised standard for passenger and goods/passenger lifts in existing buildings⁵¹ provides examples of other measures to achieve the said spaces and safety distances.

⁵⁰ SS-EN 81-20:2020 Safety rules for the construction and installation of lifts - Lifts for the transport of persons and goods - Part 20: Passenger and goods/passenger lifts.

⁵¹ SS-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 buildings.

Chapter 3. Special provisions for escalators and travelators

The chapter contains provisions corresponding to Chapter 2, Section 12 and Chapter 3, Section 18, of the H Regulations.

The chapter contains specific provisions for escalators and travelators that apply in addition to the general provisions of Chapter 1. It follows from Chapter 1, Section 8(2) that escalators and travelators must comply with the requirements applicable to the respective device in accordance with the Swedish Work Environment Authority's regulations (AFS 2023:4) on products – machinery. On 20 January 2027, the new EU Machinery Regulation⁵² will enter into force. The Machinery Directive and thus also the Swedish Work Environment Authority's Regulations (AFS 2023:4) on products – machinery are hereby repealed.

Escalators and travelators are also subject to requirements in accordance with other regulations. Unlike the H Regulations, the draft statute does not provide any information about such statutes or rules that do not need to be specifically mentioned in order to be applicable. The draft statute thus does not contain any references to other relevant provisions in the draft statute or other applicable rules such as the BBR and the National Board of Housing, Building and Planning's Regulations and general advice (2011:10) on the application of European construction standards (Eurocodes). These rules apply regardless of and do not affect the responsibility of the parties concerned to comply with rules, including rules other than those relating to motorised devices. The applicable statutes and rules may be clarified in guidance accompanying the draft statute, if necessary.

In contrast to the corresponding regulation in the H Regulations, the draft statute also does not contain any general advice with information on established harmonised standards. The full list of harmonised standards under the Machinery Directive can be found on the Commission's website.⁵³

The removal of the reference to harmonised standards does not entail any change in the definition of escalators or travelators covered by the draft statute. The definition of escalators and travelators set out in Chapter 1, Section 7 does not limit devices according to area of use and the requirements in this chapter therefore continue to apply to devices covered by both the standard for esca-

⁵² Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC.

⁵³ https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/machinery-md_en, retrieved 27 November 2024.

tors and travelators⁵⁴ and the standard for conveyor belts for winter sports or leisure use⁵⁵.

Execution and installation of escalators and travelators

Limitation of risks of personal injury

Section 1 Railings and balustrades for escalators and travelators shall have such a height and design that, with regard to the drop height, they limit the risk of personal injury as a result of falling.

In order to comply with Chapter 1, Section 9, the risk of child accidents through the improper use of balustrades shall be taken into account.

New provision.

The first paragraph of the provision aims to clarify that requirements under the National Board of Housing, Building and Planning's Regulations (2024:9)⁵⁶ on safety in the use of buildings on rails and other protection against falls also cover rails and balustrades for escalators and travelators. The harmonised standard under the Machinery Directive, SS-EN 115-1:2017⁵⁷, specifies a range for the height of the balustrade, 90–110 cm. The requirement means that the fall height must be taken into account when determining the height of the balustrade.

The provision in the second paragraph clarifies that specific risks of accidents involving children when using escalators and travelators must be taken into account when applying the general provision on risks associated with adjacent building elements. The corresponding provision has previously been set out in the general advice for Chapter 2, Section 3 of the H Regulations. The new provision does not entail any change in relation to what was previously stated as examples in the general advice in order to comply with the applicable health and safety requirements.

Section 2 A person who has a body part or clothing trapped in an escalator or a travelator must be able to be released rapidly by readily available tool equipment or by other appropriate means.

The corresponding provision is found in Chapter 2, Section 13 of the H Regulations and associated general advice.

The purpose of the provision is to ensure the rapid removal of a person who has a body part or clothing trapped in an escalator or travelator in order to limit the risk of personal injury. Information from general advice on how the re-

⁵⁴ SS EN 115-1 Safety of escalators and travelators – Part 1: Design and installation.

⁵⁵ EN 15700 Safety of conveyor belts for winter sports or recreational use.

⁵⁶ The regulation enters into force on 1 July 2025 and replaces the corresponding provisions in the BBR.

⁵⁷ SS-EN 115-1:2017 Safety of escalators and travelators – Part 1: Design and installation.

quirement can be met in the H Regulations is made into a regulation to clarify what is meant.

Inspection of escalators and travelators

Periodic inspection

Section 3 Escalators and travelators shall be inspected at the following inspection intervals:

1. first periodic inspection: 2 years;
2. subsequent periodic inspections 1 year.

The corresponding provision is contained in Chapter 3, Section 18 of the H Regulations.

The provision specifies intervals for the periodic inspection of escalators and travelators. The first periodic inspection shall be carried out after two years. Thereafter, inspections shall be carried out at intervals of one year. The intervals are unchanged compared to the current rules.

Chapter 4. Special provisions for cableway installations

The chapter contains provisions corresponding to Chapter 2, Sections 14 and 14a of the H Regulations.

This chapter contains specific provisions for cableway installations that apply in addition to the overall provisions of Chapter 1 and the requirements applicable to the installation under the Cableway Regulation.

Chapter 1, Section 8(2), states that the requirements of the Cableway Regulation need to be met in order for an installation to be used, see also Section 5.2.2.

Unlike Chapter 2, Section 14, of the H Regulations, the draft statute does not contain any references to other applicable rules such as the BBR and the National Board of Housing, Building and Planning's Regulations and general advice (2011:10) on the application of European construction standards (Eurocodes). These provisions apply regardless of and do not affect the responsibility of the parties concerned to comply with regulations, including regulations other than those relating to motorised devices.

General advice with information on established harmonised standards in the H Regulations is not transferred to the draft statute. The full list of all harmonised standards under the Cableway Regulation can be found on the Commission's website.⁵⁸

⁵⁸ https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/cableway-installations_en, retrieved 27 November 2024.

Execution and installation of cableway installations

Operating spaces

Section 1 Machinery, cable poles, turntables and tensioning weights with associated spaces as well as other spaces for the operation of a cableway installation may only be accessible by authorised persons and the spaces may only contain devices for the cableway installation. These spaces shall also be easily identifiable and easily accessible to authorised persons.

The corresponding provision is contained in Chapter 2, Section 14(2) of the H Regulations.

In order to meet safety requirements, operating spaces shall be accessible only to authorised persons and shall contain only devices belonging to the cableway installation. This applies to spaces for machinery, cable pole, turntable and tensioning weight, as well as other spaces for the operation of the installation. In order to avoid unauthorised access to the cable pole and other equipment located outdoors, special measures may be needed, for example, for access ramps and access ladders.

General advice with examples of measures to prevent unauthorised access in the H Regulations is not transferred to the draft statute.

Risk of collision

Section 2 The cableway installation shall be designed so as to limit the risk of personal injury from collision with installation parts.

Pole tensioning and suchlike with cables may only take place where the risk of personal injury due to persons or vehicles colliding with the cable is limited. Where there is a risk of collision, tension cables and similar parts shall be adequately marked.

The corresponding provision is found in Chapter 2, Section 14(3), of the H Regulations and associated general advice. The requirements in the second paragraph concerning tensioning and safety signs are general advice in the current rules.

The first paragraph of the provision imposes requirements on the design of cableway installations in order to limit the risks of personal injury through, for example, skiers' collisions with parts of the installation or an aeroplane or hang glider colliding with the ropes or transporting devices. Furthermore, the provision in the second paragraph states that the risks associated with tension cables for poles and the like are to be taken into account. Tension cables and similar parts that are nevertheless used must be provided with safety guards if there is a risk of impact. Rules on warning signs are contained in provisions from other authorities⁵⁹.

⁵⁹ The Swedish Work Environment Authority's Regulations and general advice (AFS 2023:12) on the design of workplaces and the Swedish Transport Agency's Regulations and general advice on the marking of objects that could pose a hazard to aviation and on aviation obstacle notification, TSFS 2020:88.

Switches and signs

Section 3 A cableway installation's switch, control devices, inspection devices and emergency stop devices shall be easily recognisable and their functions shall be easy to understand.

The corresponding provision is contained in Chapter 2, Section 14(4) of the H Regulations.

Switches and other devices located at the installation must be easy to recognise and understand. In order to comply with this, additional signs with information text may be necessary.

General advice with examples of appropriate text for switches and appropriate marking of stop devices for emergency situations in the H Regulations is not transferred to the draft statute. Rules concerning the design of signs are also issued by the Swedish Work Environment Authority⁶⁰.

Section 4 Information and warning signs for users and staff and necessary for safe operation, care and maintenance shall be provided in the cableway installation and shall be permanently constructed and designed in such a way as to limit the risk of personal injury. The signs shall be easy to understand and text on signs shall be written in Swedish.

Signs indicating the name of the manufacturer, the type designation of the facility, the year of production and serial number and other necessary information concerning the installation shall be displayed at appropriate locations.

The corresponding provision is found in Chapter 2, Section 14(5) of the H Regulations and associated general advice.

The owner of the facility or the party otherwise responsible for the installation is responsible for ensuring that the necessary information and warning signs are displayed in the installation. These signs are normally supplied by the manufacturer. Information that signs must be durable and designed in such a way as to limit the risk of injury to persons is removed from general advice.

Otherwise, general advice with information on signs that should be present at a cableway installation in the H Regulations is not transferred to the draft statute. The same applies to Annex 6 with examples of signs for ski-lifts.

General rules on signs for health and safety are contained in regulations issued by the Swedish Work Environment Authority⁶¹. The Swedish Ski Areas Industry Association (SLAO) provides examples of the appropriate design of signs for lifts for members. In addition, there are international standards that specify graphic symbols for public information purposes⁶² and safety signs for accident

⁶⁰ <https://www.av.se/arbetsmiljoarbete-och-inspektioner/publikationer/skyltar/?hl=skyltar%20och%20signaler%20afs>, retrieved on 27 November 2024.

⁶¹ The Swedish Work Environment Authority's Regulations and general guidelines (AFS 2023:12) on the design of workplaces.

⁶² SS-ISO 7001:2008 Graphical symbols – Public information symbols.

prevention, fire protection, information on health risks and emergency evacuation⁶³.

Work on the cableway installation

Section 5 Splicing of hauling and towing cables shall be carried out in a professional manner in relation to the applicable requirements.

New hauling cables may have no more than two splices and may only be spliced an additional two times in later repairs, unless manufacturer instructions specify otherwise.

The corresponding provision is found in Chapter 2, Section 14(7) of the H Regulations and associated general advice.

Requirements for persons performing splicing of hauling and towing lines have been reformulated in order to clarify what may be required and to distinguish from the term 'certified expert' used in other contexts in accordance with the Planning and Building Act and underlying provisions. The requirement that a new hauling cable may have no more than two splices and that, in subsequent repair, no more than two further splices may be added, unless the manufacturer's instructions state otherwise, is raised to regulation.

General advice with examples of other measures that may need to be taken using lines in the H Regulations is not transferred to the draft statute.

Safety rules for cables for cableway installations are set out in a harmonised standard⁶⁴. Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the essential health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the directive or the regulation in so far as those standards aim to satisfy the essential health and safety requirements.

Language requirements for the EU declaration of conformity and certain other documents regarding cableway installations and subsystems and safety components for cableway installations

Section 6 The EU declaration of conformity, instructions for use and safety instructions to be provided to users in accordance with Articles 11.7, 13.4, 14.2 and 19.2 of Regulation (EU) 2016/424 shall be written in Swedish for subsystems and safety components for cableway installations released or supplied in Sweden. The same shall apply to instruction manuals, pursuant to paragraph 7.1.1 of Annex II to Regulation (EU) 2016/424, for cableway installations constructed in Sweden. The EU declaration of conformity for subsystems or safety components for cableway installations may be written in English as well as Swedish.

⁶³ SS-EN ISO 7010:2020 Graphical symbols – Safety colours and signage – Registered warning signals.

⁶⁴ SS-EN 12927:2019 Safety rules for cableway installations designed to transport persons. Calculations.

The corresponding provisions are contained in Chapter 2, Section 14a, first paragraph of the H Regulations.

The provisions lay down language requirements for certain documentation for cableway installations built and subsystems and safety components for cableway installations supplied in Sweden.

Section 7 The information and documentation that manufacturers and importers shall provide to the market surveillance authority upon request in accordance with Articles 11(9) and 13(9) of Regulation (EU) 2016/424 shall be written in Swedish or English. Other languages may also be accepted by the authority on a case-by-case basis.

The corresponding provisions are contained in Chapter 2, Section 14a, second paragraph of the H Regulations.

The provisions lay down language requirements for certain documentation for cableway installations built and subsystems and safety components for cableway installations supplied in Sweden.

Inspection of cableway installations

Periodic inspection

Section 8 Devices shall be inspected at the following inspection intervals.

Periodic inspections

1. cableways and funicular railways: 1 year; and
2. drag lifts
 - a) small lifts with a drive rating greater than 7 kW 2 years; and
 - b) other drag lifts: 1 year.

Every five years, the periodic inspection for cableways and funicular railways shall be carried out as a more comprehensive periodic inspection.

The corresponding provision is contained in Chapter 3, Section 18 of the H Regulations.

The provision specifies intervals for the periodic inspection of cableway installations. The first periodic inspection shall be carried out after two years. Thereafter, inspections shall be carried out at intervals of one or two years depending on the type. In the case of cableways and funiculars, a more extensive periodic inspection shall also be carried out instead of the usual periodic inspection every five years. The more extensive periodic inspection involves some additional inspection points in addition to those covered by the periodic inspection. The intervals are unchanged compared to the current rules.

Inspection of cables

Section 9 The towing and hauling cable of cableways and funicular railways as well as the hauling cable of drag lifts shall undergo magnetic induction examinations. The examinations shall consist of an initial examination and periodic examinations at the required intervals.

Magnetic induction examinations are to be carried out professionally in accordance with the requirements in force.

A new provision replacing intervals for magnetic induction examinations in accordance with Chapter 3, Section 18 of the H Regulations.

The provision states that hauling cables and any towing cables shall undergo magnetic induction examinations to the extent necessary to ensure that the device provides adequate health and safety protection. An initial magnetic induction examination shall always be carried out on the towing and hauling cables of cableways and funicular railways, as well as the hauling cable of drag lifts. Thereafter, periodic examinations shall be carried out at the appropriate intervals. Recommendations on examination intervals can be found in the harmonised standard for cableway installations⁶⁵. Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the essential health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the directive or the regulation in so far as those standards aim to satisfy the essential health and safety requirements.

The required intervals can be evaluated and adapted in individual cases depending on specific parameters. Such parameters may include, for example, number of curves, expected operating hours, slope configuration, cable conditions, installation conditions and environmental conditions. The interval should preferably be determined in consultation with the inspection body that carries out the initial investigation.

Exemptions from inspection requirements

Section 10 Small lifts whose engine power does not exceed 7 kW are exempt from the requirement for periodic inspection.

The corresponding provision is contained in Chapter 3, Section 29 of the H Regulations.

For cableway installations, exemptions from inspection requirements apply only to small lifts with an engine power of less than 7 kW. These are exempt from periodic inspection requirements.

Improvement requirements for existing cableway installations

Section 11 Existing cableways installed before 3 May 2004 shall at the latest on 31 December 2008 be so designed and installed as to provide adequate health and safety protection in the event of accidental reversing.

⁶⁵ SS-EN 12927:2019 Safety rules for cableway installations designed to transport persons. Calculations.

The corresponding provision is contained in Chapter 5, Section 3 of the H Regulations.

The provision is specification of the meaning of the safety requirement set out in Chapter 8, Section 4(1)(4) of the Swedish Planning and Building Act (PBL) for cableway installations. The improvement requirement applies to existing cableways installed before 3 May 2004. These shall comply with health and safety protection requirements in case of accidental reversing.

General advice with reference to a harmonised standard⁶⁶ for examples that meet the requirement of the H Regulations is not transferred to the draft statute. Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the essential health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the directive or the regulation in so far as those standards aim to satisfy the essential health and safety requirements.

Section 12 Existing cableways and drag lifts installed before 3 May 2004 shall be so constructed and installed by 31 December 2008 that they provide adequate health and safety protection in the event of wear, defects or failure of the drive or turntable bearings. Small lifts with an engine power not exceeding 7 kW are exempted from this requirement.

The corresponding provision is contained in Chapter 5, Section 4 of the H Regulations.

The provision is specification of the meaning of the safety requirement set out in Chapter 8, Section 4(1)(4) of the Swedish Planning and Building Act (PBL) for cableway installations. The improvement requirement applies to existing cable cars and drag lifts installed before 3 May 2004. These shall comply with requirements for health and safety protection during wear, defects and failure of the deposits of the driving or turning plates.in the event of wear, defects or failure of the drive or turntable bearings. However, small lifts with a motor power of no more than 7 kW are exempt.

General advice with reference to a harmonised standard⁶⁷ for examples that meet the requirement of the H Regulations is not transferred to the draft statute. Harmonised standards serve as an extension of EU legislation and are voluntary tools developed specifically to support compliance with the essential

⁶⁶ SS-EN 13223:2015 Cableway installations - Safety requirements for cableway installations designed to transport persons - Drive systems and other mechanical equipment.

⁶⁷ SS-EN 13223:2015 Cableway installations - Safety requirements for cableway installations designed to transport persons - Drive systems and other mechanical equipment.

health and safety requirements of the directive or regulation that the standard specifies. The application of harmonised standards to which references have been published in the Official Journal of the European Union confers a presumption of conformity with the directive or the regulation in so far as those standards aim to satisfy the essential health and safety requirements.

Chapter 5. Special provisions for roof-mounted passenger transport devices

The chapter contains provisions corresponding to Chapter 2, Section 15, and Chapter 3, Section 18, of the H Regulations.

The chapter contains special provisions for roof-mounted passenger transport devices that apply in addition to the overall provisions in Chapter 1. It follows from Chapter 1, Section 8(2), that roof-mounted passenger transport devices must meet the requirements laid down for the device in accordance with the Work Environment Authority's Regulations (AFS 2023:4) on products – machinery. On 20 January 2027, the new EU Machinery Regulation⁶⁸ will enter into force. The Machinery Directive and thus also the Swedish Work Environment Authority's Regulations (AFS 2023:4) on products – machinery are hereby repealed.

Chapter 2, Section 15 of the H Regulations states that roof-mounted passenger transport devices must be constructed and installed in accordance with the BBR. Said statute applies regardless and is therefore not mentioned in the draft statute.

Execution and installation of roof-mounted passenger transport devices

Section 1 A roof-mounted passenger transport device where a wheelchair constitutes the passenger-lifting element may only be installed in a private environment.

The corresponding provision is contained in Chapter 2, Section 15(2) of the H Regulations.

The provision states that if a wheelchair constitutes the passenger-transporting element of the transport device, it may only be installed in a private environment. Information in general advice that such a wheelchair is included in the device in the H Regulations is moved to definitions in Chapter 1, Section 7.

⁶⁸ Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC.

Inspection of roof-mounted passenger transport devices

Periodic inspection

Section 2 Roof-mounted passenger transport devices shall be inspected at the following inspection intervals:

periodic inspections 2 years.

The corresponding provision is contained in Chapter 3, Section 18 of the H Regulations.

The provision states that the periodic inspection of roof-mounted passenger transport devices is to be carried out at an interval of two years. The interval remains unchanged compared to the current rules.

Chapter 6. Special provisions for motorised entrances and similar devices

The chapter contains provisions corresponding to Chapter 2, Section 16(1)(c), Section 16(2) and Chapter 3, Section 30, of the H Regulations.

The chapter contains specific provisions for motorised entrances and similar devices that apply in addition to the general provisions in Chapter 1.

It follows from Chapter 1, Section 8(2), that motorised entrances and similar devices must meet the requirements laid down for the device in accordance with the Work Environment Authority's Regulations (AFS 2023:4) on products – machinery. On 20 January 2027, the new EU Machinery Regulation⁶⁹ will enter into force. The Machinery Directive and thus also the Swedish Work Environment Authority's Regulations (AFS 2023:4) on products – machinery are hereby repealed.

The requirements of the chapter on construction, installation and inspection are limited by the definition of motorised entrances and similar devices in Chapter 1, Section 7 to devices which are opened and closed by engine power. The provisions of the chapter do not therefore apply to motorised entrances and similar devices that are opened by a motor and closed by stored energy or vice versa.

Chapter 2, Section 16 of the H Regulations states that motorised entrances and similar devices shall be designed and installed in accordance with the BBR. However, the BBR is applicable even if no information is provided to that effect in the draft statute. The draft statute therefore contains no provision stating

⁶⁹ Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC.

that motorised entrances and similar devices shall be constructed in accordance with the BBR.

Unlike the corresponding provisions in the general advice to Chapter 2, Section 16 of the H Regulations, the draft statute also does not provide any information on established harmonised standards. The full list of harmonised standards under the Machinery Directive can be found on the Commission's website.⁷⁰

Execution and installation of motorised entrances and similar devices

Section 1 Holding devices on entrances and similar devices shall be designed or placed in such a way that unauthorised persons cannot activate the devices.

The corresponding provision is contained in Chapter 2, Section 16(1)(c), of the H Regulations.

The provision aims to ensure that gates or similar devices cannot be operated by unauthorised persons.

Section 2 A motorised wall that, when opening or closing, enters a space in which a person can fit, shall be designed so that it cannot be operated if a person is in the space.

The corresponding provision is contained in Chapter 2, Section 16(2) of the H Regulations.

The provision aims to ensure that a motorised wall cannot be operated if a person is in a space into which the wall enters.

General advice with examples of acceptable solutions in the H Regulations is not transferred to the draft statute.

Inspection of motorised entrances and similar devices

Periodic inspection

Section 3 Motorised entrances and similar devices shall be inspected at the following inspection intervals

1. first periodic inspection: 2 years; and
2. subsequent periodic inspections:
 - a) motorised entrances and similar devices that are within enclosed industrial areas and operated by a momentary pressure operated device in combination with a self-monitoring contact strip or by a constant pressure push button: 4 years; and
 - b) other motorised entrances and similar devices: 2 years.

The corresponding provision is contained in Chapter 3, Section 18 of the H Regulations.

⁷⁰ https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/machinery-md_en, retrieved 27 November 2024.

The provision specifies intervals for the periodic inspection of motorised entrances and similar devices. The first periodic inspection shall be carried out after two years. Thereafter, inspections shall be carried out at intervals of two or four years. The four-year interval applies only to motorised entrances and similar devices that are within enclosed industrial areas and operated by a momentary pressure operated device in combination with a self-monitoring contact strip or by a constant pressure push button. Otherwise, the interval of two years applies. The intervals are unchanged compared to the current rules.

Exemptions from inspection requirements

Section 4 Motorised garage doors and gates for individual use in connection with single- and two-dwelling buildings are exempt from the requirements for initial, periodic and audit inspection.

The corresponding exemption provision is found in Chapter 3, Section 30(1) of the H Regulations.

The provision specifies in which cases and to what extent motorised entrances and similar devices are exempted from the inspection requirement. The exemption remains unchanged compared to the current rules.

Section 5 Rolling shutters operated with a constant pressure push button no more than twice a day and placed on store fronts or suchlike are exempted from the requirement for periodic inspections.

The corresponding provision on exemptions can be found in Chapter 3, Section 30(3) of the H Regulations.

The provision specifies in which cases and to what extent motorised entrances and similar devices are exempted from the inspection requirement. The exemption remains unchanged compared to the current rules.

Section 6 Sliding doors, impact doors and rotary doors that have been certified as complying with all applicable requirements laid down in the relevant harmonised Community legislation are exempt from initial and periodic inspection.

The corresponding exemption provision is found in Chapter 3, Section 30(4), first sentence, of the H Regulations.

The provision specifies in which cases and to what extent motorised entrances and similar devices are exempted from the inspection requirement. The exemption remains unchanged compared to the current rules. The relevant Community harmonisation legislation refers primarily to the Machinery Directive⁷¹.

Section 7 Door types with door leaves smaller than 25 m² made of soft material and without hard stiffeners may, upon application to the National Board of Housing,

⁷¹ Transposed into Swedish law through the Swedish Work Environment Authority's Regulations (AFS 2023:4) on products – machinery.

Building and Planning, be exempted from the requirement for initial and periodic inspections.

The corresponding exemption provision is found in Chapter 3, Section 30(2) of the H Regulations.

The provision specifies in which cases and to what extent motorised entrances and similar devices are exempted from the inspection requirement. The exemption remains unchanged compared to the current rules.

Section 8 Motorised entrances and similar devices that are type-approved in accordance with Chapter 8, Sections 22–23 of the Swedish Planning and Building Act (2010:900) or corresponding older provisions are exempt from the requirements for initial and periodic inspection.

The corresponding exemption provision is found in Chapter 3, Section 30(4), last sentence of the H Regulations.

The provision specifies in which cases and to what extent motorised entrances and similar devices are exempted from the inspection requirement. The exemption remains unchanged compared to the current rules.

General exemptions from the requirement to carry out initial inspections of motorised devices are specified in Section 20 of Chapter 1.

Chapter 7. Special provisions for motorised waste disposal devices

The chapter contains provisions corresponding to Chapter 2, Section 17, and Chapter 3, Section 31, of the H Regulations.

This chapter contains specific provisions for motorised waste devices if they apply in addition to the horizontal provisions of Chapter 1. It follows from Chapter 1, Section 8(2) that motorised waste disposal devices shall comply with the requirements laid down for the device in accordance with the Swedish Work Environment Authority's Regulations (AFS 2023:4) on products – machinery. On 20 January 2027, the new EU Machinery Regulation⁷² will enter into force. The Machinery Directive and thus also the Swedish Work Environment Authority's regulations (AFS 2023:4) on products – machinery will then cease to apply.

Chapter 2, Section 17 of the H Regulations states that motorised waste devices must be constructed and installed in accordance with the BBR. However, the BBR is applicable even if no information is provided to that effect in the draft

⁷² Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC.

statute. The draft statute therefore contains no provision stating that motorised waste disposal devices shall be designed in accordance with the BBR.

Execution and installation of motorised waste disposal devices

Section 1 Control devices for motorised waste disposal devices shall be designed or located in such a way that unauthorised persons cannot activate the devices.

The corresponding provision is contained in Chapter 2, Section 17(2) of the H Regulations.

The provision aims to ensure that motorised waste disposal devices cannot be operated by unauthorised persons.

General advice with examples of solutions to meet the requirement of the H Regulations is not transferred to the draft statute. Nor is general advice indicating that guidance on assessing the conformity of waste transport lifts with the applicable requirements can be obtained from an earlier repealed Swedish standard for waste transport lifts to be transferred to the draft statute.

Inspection of motorised waste disposal devices

Exemptions from inspection requirements

Section 2 All motorised waste disposal devices other than waste transport lifts are exempt from the requirements for initial, periodic and audit inspections.

The corresponding provisions on exemptions are laid down in Chapter 3, Section 31, of the National Board of Housing, Building and Planning's H Regulations.

The provision states that motorised waste facilities that are not waste transport lifts are completely exempt from inspection requirements. The exemption remains unchanged compared to the current rules. According to Chapter 1, Section 20, waste transport lifts do not need to undergo all or part of the initial inspection if it can be demonstrated that they comply with the requirements laid down in the relevant harmonised Community legislation.

8 References

8.1 Printed sources

Camilla Adolfsson, Joel Björk-Werner, Johan Hjalmarsson. The Planning and Building Act, A Commentary, Norstedts Juridik, 2023.

Pontus Gunnarsson, Karnov.



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