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COUNCIL DIRECTIVE

of 19 November 1973

on the approximation of the laws, regulations and administrative provisions of the Member States relating to the certification and marking of wire-ropes, chains and hooks

(73/361/EEC)

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Amended by:

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| ► <u>M1</u> Commission Directive 76/434/EEC of 13 April 1976 | L 122 | 20 | 8.5.1976 |

Amended by:

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|--|-------|----|------------|
| ► <u>A1</u> Act of Accession of Greece | L 291 | 17 | 19.11.1979 |
| ► <u>A2</u> Act of Accession of Spain and Portugal | L 302 | 23 | 15.11.1985 |

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on the approximation of the laws, regulations and administrative provisions of the Member States relating to the certification and marking of wire-ropes, chains and hooks

(73/361/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas in several Member States certification and markings are prescribed for certain wire-ropes, chains and hooks which are to be used for lifting and handling; whereas these provisions differ from one Member State to another; whereas owing to their differences they hinder trade within the European Economic Community;

Whereas these hindrances to the establishment and functioning of the common market may be reduced, even removed, if the same provisions concerning the certification and marking of wire-ropes, chains and hooks are adopted in all Member States, either supplementary to or in place of the present national provisions;

Whereas this Directive is confined to provisions on the certification and markings of wire-ropes, chains and hooks; whereas certification and markings will enable manufacturers and users of lifting appliances to know *inter alia* the characteristics of these wire-ropes, chains and hooks; whereas, moreover, directives which will be subsequently adopted regarding the constructional requirements of various lifting appliances will include provisions on the particular use of the wire-ropes, chains and hooks;

Whereas technical progress requires a rapid adjustment of the technical provisions for lifting appliances and equipment; whereas to facilitate the implementation of the measures necessary to this end, a procedure should be laid down establishing close cooperation between the Member States and the Commission in the form of a Committee for adjusting to technical progress directives on the removal of technical barriers to intra-Community trade in the sector of lifting appliances and equipment,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive concerns lifting equipment excluding:

- lifting equipment which is not new,
- lifting equipment used on board ships and for railways, funicular railways and cableways.

By lifting equipment, within the meaning of this Directive, is understood wire ropes, round steel chains, and hooks intended for lifting and mechanical handling equipment.

Article 2

1. No Member State may forbid or restrict, for reasons concerning certification or marking, the placing on the market of lifting equipment referred to in Article 1, if it is provided with a certificate and markings which comply with the provisions in the Annex.

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2. However, if a Member State ascertains that the characteristics, in particular the minimum characteristics, of a piece of lifting equipment do not correspond to those listed on the certificate, it may suspend the placing on the market of this piece of lifting equipment. It shall immediately inform the other Member States and the Commission thereof, stating the reasons for its decision.

If a Member State questions the grounds of the measures referred to above, the Member State concerned shall endeavour to settle the dispute.

The Commission shall be kept informed. It shall enter into, as far as is necessary, appropriate consultations to reach a solution.

Article 3

The Member States may demand that, on their territory at the time of the offer and the sale to the final customer, the certification and markings provided for by this Directive should be expressed in the form of symbols agreed on an international scale, or in their national language.

Article 4

1. A committee (hereinafter called the 'Committee'), is hereby set up to adjust to technical progress those directives which concern the elimination of technical barriers to trade in lifting appliances and equipment. It shall consist of representatives of the Member States with a representative of the Commission as Chairman.

2. The Committee shall adopt its own rules of procedure.

3. The necessary alterations to adjust to technical progress the provisions in the Annex shall be adopted in accordance with the procedure laid down in Article 5.

Article 5

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by the Chairman, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its Opinion of the draft within a time limit set by the Chairman having regard to the urgency of the matter. Opinions shall be adopted by a majority of ► **A2** fifty-four ◀ votes, the votes of Member States being weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged where they are in accordance with the Opinion of the Committee.

(b) Where the measures envisaged are not in accordance with the Opinion of the Committee, or if no Opinion is adopted, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall act by a qualified majority.

(c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 6

1. The Member States shall put into force the provisions needed to comply with this Directive within eighteen months of its notification and shall forthwith inform the Commission thereof.

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2. The Member States shall ensure that the texts of the main provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

Article 7

This Directive is addressed to the Member States.

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ANNEX

1. GENERAL PROVISIONS

- 1.1. Every length of wire-rope and chain and every hook shall bear a mark or, if marking is not possible, a small plate or ring securely attached, which shall carry information as to the manufacturer or his authorized agent established in the European Economic Community and identify the relevant certificate (cf. points 2.1, 3.1 and 4.1).
- 1.2. The manufacturer or his authorized agent established in the European Economic Community shall certify by means of the relevant certificate that every length of wire-rope and chain and each hook complies with the characteristics indicated (cf. points 2.1, 3.1 and 4.1).

2. PROVISIONS CONCERNING WIRE-ROPES

- 2.1. The manufacturer or his authorized agent established in the European Economic Community shall issue for each wire-rope a certificate containing at least the following information:
 - (1) the name and address of the manufacturer or his authorized agent established in the European Economic Community;
 - (2) nominal diameter;
 - (3) nominal mass per linear metre;
 - (4) type of lay (ordinary lay, Lang's lay, alternate lay) and direction of lay (right hand, left hand);
 - (5) preformed or not preformed;
 - (6) construction (composition and type of wire-rope, number of strands, number of wires per strand, nature of core and composition if of steel);
 - (7) tensile grade(s) of the wires;
 - (8) minimum breaking load of rope (that is the minimum load which shall be reached in the tensile test to destruction). If a tensile test to destruction has been carried out information about the test shall be given;
 - (9) surface finish of wire: if wire is galvanized give grade or quality. If other protective finish give details;
 - (10) if the wires are not made of carbon steel, state specifications;
 - (11) if the wire-rope is made to a national or international standard, identify this standard;
 - (12) if tests have been carried out on the wires, and/or on the ropes state the standard or specification to which the tests comply. If not to a standard or specification, these tests should be detailed, as well as the results;
 - (13) if the construction or composition of the rope is such as to require special maintenance and/or inspection, instructions shall be supplied;
 - (14) signature in accordance with point 1;
 - (15) position of signatory in manufacturing company or the manufacturer's authorized agent;
 - (16) place and date.

3. PROVISION CONCERNING ROUND STEEL CHAINS

- 3.1. The manufacturer or his authorized agent established in the European Economic Community shall issue for each chain a certificate bearing at least the following information:
 - (1) the name and address of the manufacturer or his authorized agent established in the European Economic Community;
 - (2) characteristics for non-calibrated chains:

nominal external length of the link, nominal external width, nominal diameter of the wire with indication of tolerances; enclose a schematic drawing of at least two consecutive links showing the dimensions;
 - (3) characteristics for calibrated chains:

nominal external length of the link, nominal external width, nominal diameter of the wire, nominal pitch, with indication of tolerances relating to all these dimensions; enclose a schematic drawing of at least two consecutive links showing the dimensions;
 - (4) nominal mass per linear metre;

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- (5) the method of welding the links;
 - (6) the value of the proof load applied to the whole chain after heat treatment;
 - (7) minimum breaking load of the chain (that is the minimum load which shall be reached in the tensile test to destruction);
 - (8) the minimum total ultimate elongation expressed as a percentage also state length of samples or number of links tested;
 - (9) material properties of the chain (e.g. international grade of the chain or alternatively specification of the steel of the chain);
 - (10) the type of the heat treatment applied;
 - (11) if the chain is made to a national or international standard, identify this standard;
 - (12) if tests have been carried out on the chain, state the standard or specification to which the tests comply. If not to a standard or specification, these tests should be detailed and the results given;
 - (13) if the properties of the chain require special treatment, maintenance and/or inspection information shall be given;
 - (14) signature in accordance with point 1;
 - (15) position of signatory in manufacturing company or the manufacturer's authorized agent;
 - (16) place and date.
- 3.2. Chain manufactured to a national or an international standard shall bear legible and permanent quality marks in accordance with the relevant standard. These quality marks shall be put on each length of chain: there shall be at least one mark per metre or one mark on one link in every 20 links, whichever is the lesser interval. The marks shall have the following dimensions:

| Nominal diameter of the wire (in mm) | Minimum dimensions of the figures (in mm) |
|--------------------------------------|---|
| up to 8 inclusive | 2 |
| over 8 up to 12.5 inclusive | 3 |
| over 12.5 up to 26 inclusive | 4.5 |
| over 26 | 6 |

4. PROVISIONS CONCERNING HOOKS

- 4.1. The manufacturer or his authorized agent established in the European Economic Community shall issue for each batch of hooks, or at the request of the user, for each hook, a certificate bearing at least the following information:
- (1) the name and address of the manufacturer or his authorized agent established in the European Economic Community;
 - (2) if this certificate applies to a batch of hooks state how many were in the batch;
 - (3) the type of hook;
 - (4) the dimensional characteristics:
enclose schematic drawing of the hook showing principal dimensions;
 - (5) the maximum proof load which can be applied to the hook such that after removal of the proof load there is no significant permanent deformation; in no case shall the permanent deformation as measured across the opening of the hook exceed 0.25 %;
 - (6) the load at which the hook just opens or would open to such an extent that it is no longer capable of supporting the load; in the case of a hook the construction of which is such, that it is or would be likely to break rather than drop the load due to opening of the hook, the minimum breaking load should be stated;
 - (7) material properties of the hook (e.g. international grade of the hook or alternatively specification of the steel of the hook);
 - (8) type of heat treatment applied during manufacture of the hook;
 - (9) if the hook is made to a national or international standard, identify this standard and identify the hook according to this standard;

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- (10) if tests have been carried out on the hook(s) state the standards or specifications to which the tests comply. If not to a standard or specification, these tests should be detailed (in the case of batches the number of samples) as well as the results;
 - (11) if the properties of the hook require special treatment, maintenance and/or inspection information shall be given;
 - (12) signature in accordance with point 1;
 - (13) position of signatory in manufacturing company or the manufacturer's authorized agent;
 - (14) place and date.
- 4.2. A hook manufactured to a national or international standard must bear a legible and permanent quality mark in accordance with that standard.