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**From:** Anthony Burd  
**Sent:** 24 July 2008 14:21  
**To:** Dodds Mike (BR1)  
**Cc:** Lawson Richard (BR1); Anthea Nicholson; Peter.Lennon@hse.gsi.gov.uk; Baxter-Ludlow Peter (BR1); Payne Graham (BR1); phil.papard@hse.gsi.gov.uk; Clover Powell; Shona Dunn  
**Subject:** RE: URGENT: CLG project - IMPLEMENTATION OF THE FIRE TEST METHOD EN81-58 REQUIRED BY THE LIFTS DIRECTIVE

Mike,

I, like you, am sorry that this issue has dragged on as much as it has. As you know our problem lies with the disparities between the respective test standards and making an informed judgement of what this means in terms of fire safety. As Bob Lee pointed out in his recent email message to Dr Smith at BRE, the lift industry is well aware that "lift landing doors tested to BS 476: Part 22 or EN 1634-1 will normally fail when tested to EN 81-58 and vice versa".

I appreciate that you may feel isolated to some degree as a result of this issue but it's fair to say that several fire regulators in other member states are concerned about the problems with this standard and are keen to see the results of our work. The Commission itself has given us mixed messages on how this matter should be resolved so I am satisfied that we are taking the correct approach.

I too am similarly perplexed as to why something as simple as the purchasing of doors for testing should turn into such a performance. As I understand it, the problem is that whilst doors are available for purchase in the UK, establishing whether or not they have actually been tested in accordance with EN 81-58 has proved very difficult. This seems strange given that this is, as I understand it, a requirement of the Lifts Directive; perhaps there is an enforcement issue here that needs to be considered?

The project that we have contracted BRE to undertake was intended to be a joint and collaborative exercise with Industry providing test samples with appropriate supporting test reports so that comparative tests could be carried out. The difficulties that BRE have faced in terms of obtaining appropriate test samples have meant that I have had to appropriate yet more funding for the project so that we can go it alone.

I expect that better progress will now be made and perhaps it would be helpful if you and I could meet again in the next month so I can appraise you as to where we are.

Anthony

Anthony Burd  
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Tel: [REDACTED]

**From:** Dodds Mike (BR1) [mailto:Mike.Dodds@berr.gsi.gov.uk]

**Sent:** Monday, July 21, 2008 2:26 PM

**To:** Anthony Burd

**Cc:** Lawson Richard (BR1); Anthea Nicholson; Peter.Lennon@hse.gsi.gov.uk; Baxter-Ludlow Peter (BR1); Payne Graham (BR1); phil.papard@hse.gsi.gov.uk; Clover Powell

**Subject:** FW: URGENT: CLG project - IMPLEMENTATION OF THE FIRE TEST METHOD EN81-58 REQUIRED BY THE LIFTS DIRECTIVE

Anthony    cc: as env.

I am assuming that this latest communication from Dr Debbie Smith is at least partly due to the influence you were going to bring to bear on her on my behalf so thank you for that.

This is what I sent her last week by way of a reply. I didn't think it was entirely fair to share it with the whole group but I thought that you at least ought to be aware of the strength and the substance of my views.

Peter Lennon and I are next due to incur the wrath of the Lifts Working Group on this in early October, as I mention, and we really need to be further forward with this project by then or at least be able to indicate that we will be in such a position very soon afterwards. I say this for two main reasons.

Firstly, one cannot expect the Commission to have much more patience before proceeding with its threatened Art. 226 challenge against the UK. I will probably need to make discreet enquiries with my Commission contacts about this *before* the WG and will make you aware of anything I manage to find out.

Secondly, I was left in no doubt at the last six monthly meeting of the third party assessment bodies we have notified under the Lifts directive that the continuing uncertain status of lift doors manufactured to EN 81-58 - with the prospect, eventually, of their receiving a zero rating - is going to cause very serious *practical* difficulties in the supply chain for building projects in the UK *sooner rather than later*.

I would be pleased to hear of any suggestions from you, or indeed any of the other recipients of this message, about how we can work together, either inside or outside Dr Smith's group, to bring this long running saga to a speedy and satisfactory conclusion. The longer it goes on the more it sours my relations with my contacts on the directive, at home and abroad, and there are a *number* of issues at any one time on which I need their co-operation.

**Mike**            **21/7/08**

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**From:** Dodds Mike (BR1)

**Sent:** 16 July 2008 10:36

**To:** 'Green, Susan M (B16)'

**Subject:** RE: URGENT: CLG project - IMPLEMENTATION OF THE FIRE TEST METHOD EN81-58 REQUIRED BY THE LIFTS DIRECTIVE

Dear Dr Smith

Thank you for this message.

I cannot particularly comment on the technical difficulties other than to wonder quite why the UK, now conspicuously alone in Europe, continues to have *such* difficulties in accepting EN 81/58 (and thus fulfilling its legal obligations under the Lifts Directive and removing the



very real threat of infraction proceedings). I am similarly perplexed as to why something as simple, *prima facie*, as the purchasing of doors for testing should turn into such a performance.

I feel the need to be frank with you, however, about the way in which this project has been handled. I can quite understand how projects of this sort can be subject to any manner of unexpected delays and other difficulties. That is not the point. What concerns me is that as a member of, in your own words, a 'key stakeholder group' (my stress) I feel that have been kept totally in the dark about the various twists and turns of the project since the inaugural, and thus far only, meeting of the group just over a year ago.

This would be unfortunate enough on its own but the problem is compounded by the fact that I am the UK's representative on the Lifts Working Group chaired by the European Commission in Brussels. This is essentially the management committee for the lifts directive and it meets roughly twice a year. The non implementation of EN 81-58 in (just) a few Member states has, unsurprisingly, been one of the WG's main concerns over recent years and is one of the standing items on the agenda. This all means that I rely upon a flow of authoritative, comprehensive and up to date information about the UK's progress towards recognition of the standard, especially as this item has now been reduced to one of putting the UK alone on the spot as other, previously reluctant, Member states are now falling into line.

I had entertained hopes that your group would be a vital source of such a flow but these have been dashed so far. The last WG at the end of April proved to be an uncomfortable occasion despite the fact that I had approached your office on 23rd April for an update having, surprisingly in view of all the problems you have evidently been facing, heard absolutely nothing about it since this time last year. This approach proved fruitless and I was left to deal with the situation as best I could in the circumstances.

The next WG is provisionally arranged for 7th Oct. and I live in hope that your latest communication will start an interchange between the UK stakeholders that will put me in a less exposed position by the autumn than I had to endure in April. This would probably be helped by another meeting of your group, I suspect.

yours sincerely

**Mike Dodds**  
**Assistant Director (Single Market directives)**  
**Machinery, Pressure Equipment, Lifts, ATEX**  
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**From:** Green, Susan M (B16) [mailto:GreenS@bre.co.uk]

**Sent:** 03 July 2008 11:18

**To:** Martin, Brian; Dodds Mike (BR1); beryl@menziespartnership.co.uk; robert-lee@leia.co.uk; Brian Martin; Mike.Payne@aeat.co.uk; Smith, Derek; Dodds Mike (BR1); anthony.burd@communities.gsi.gov.uk; david.fazakerley@leia.co.uk; johuggins@fbu.org.uk

**Cc:** Jones, Richard; Giorgi, Rob

**Subject:** FW: URGENT: CLG project - IMPLEMENTATION OF THE FIRE TEST METHOD EN81-58  
REQUIRED BY THE LIFTS DIRECTIVE

Dear Colleague

I am writing to you to provide you with an update on the status of the above project, which is unfortunately, progressing slower than we had anticipated. Please see the attached document (LD05) that provides a summary. We would appreciate your assistance as outlined in LD05.

Kind regards

Debbie

Dr Debbie Smith

Director

On behalf of BRE Global Limited

BRE Global Limited, Bucknalls Lane, Watford, Hertfordshire, WD25 9XX

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