

Transportable pressure equipment

2009/0131(COD) - 05/05/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament Committee adopted by 602 votes to 1, with 15 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on transportable pressure equipment.

It adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are a result of a compromise reached between European Parliament, the Council and the Commission.

They amend the Commission's proposal as follows:

- the compromise specifies that transportable pressure equipment shall be understood as including gas cartridges (UN No. 2037) and excluding aerosols (UN No. 1950), open cryogenic receptacles, gas cylinders for breathing apparatus, fire extinguishers (UN No. 1044), transportable pressure equipment exempted according to 1.1.3.2 of the Annexes to Directive 2008/68/EC and transportable pressure equipment exempted from the rules for construction and testing of packaging according to special provisions in 3.3 of the Annexes to Directive 2008/68/EC;
- periodic inspections, intermediate inspections and exceptional checks of transportable pressure equipment should be carried out in accordance with the Annexes to Directive 2008/68/EC and with this Directive to ensure continued compliance with their safety requirements;
- this Directive should not apply to transportable pressure equipment which was placed on the market before the date of implementation of Directive 1999/36/EC and which has not been subject to reassessment of conformity;
- if existing transportable pressure equipment not previously assessed for conformity with Directive 1999/36/EC is to benefit from free movement and free use, it should be subject to reassessment of conformity;
- the equipment shall be subject to periodic inspections, **intermediate inspections** and exceptional checks in accordance with the Annexes to Directive 2008/68/EC;
- where existing transportable pressure equipment not previously assessed for conformity with Directive 1999/36/EC is to benefit from free movement and free use, it should be subject to reassessment of conformity;
- measures relating to owners shall not apply to private individuals intending to use or using transportable pressure equipment for their personal or domestic use or for their leisure or sporting activities;
- economic operators shall, on request from the market surveillance authority, identify the following to it for a period of at least 10 years: (a) any economic operator who has supplied them with transportable pressure equipment; (b) any economic operator to whom they have supplied transportable pressure equipment;
- certificates of conformity assessment and certificates of reassessment of conformity and reports of periodic inspections, intermediate inspections and exceptional checks issued by a notified body shall be valid in all Member States;
- the Pi marking shall be affixed before the new transportable pressure equipment or demountable parts of refillable transportable pressure equipment having a direct safety function are placed on the market. It shall be followed by the identification number of the notified body involved in the initial

inspections and tests. The marking of the date of the periodic inspection or, where appropriate, the intermediate inspection shall be accompanied by the identification number of the notified body responsible for the periodic inspection;

- Members propose a new recital which calls on the Commission to draw up specific guidelines to facilitate the practical implementation of the technical provisions of this Directive;
- lastly, as far as the new provisions on comitology are concerned, Members introduced modifications which aim at preserving Parliament's prerogatives and meeting its procedural requirements as regards both the revocation of the delegation of powers to the Commission and objections to delegated acts.