

Transportable pressure equipment

2009/0131(COD) - 16/06/2010 - Final act

PURPOSE: to set out detailed rules concerning transportable pressure equipment to enhance safety and ensure free movement of such equipment within the Union.

LEGISLATIVE ACT: Directive 2010/35/EU of the European Parliament and of the Council on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC.

CONTENT: this Directive updates and streamlines the provisions of a 1999 directive on transportable pressure equipment, aimed at enhancing transport safety for such equipment and ensuring its free movement in a single transport market. This revision eliminates conflicting rules and simplifies the regulatory framework, especially as regards conformity assessment procedures, without substantially modifying the scope or measures provided for by the 1999 directive. As a consequence of the revision, several directives relating to pressure equipment are repealed.

In order not to hinder transport operations between Member States and third countries, the Directive does not apply to transportable pressure equipment exclusively used for the transport of dangerous goods between the territory of the Union and that of third countries.

The text contains rules on the obligations of the different economic operators, the conformity of the equipment, and inspection and monitoring bodies and their mutual recognition.

Scope: 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;

Economic operators: economic operators will, in relation to their respective roles in the supply chain, be responsible for the compliance of transportable pressure equipment with the safety and market access rules.

Conformity assessment: compliance of new transportable pressure equipment with the technical requirements of the Annexes to Directive 2008/68/EC and this Directive will be demonstrated by means of a conformity assessment to provide evidence that the transportable pressure equipment is safe.

Pi marking: transportable pressure equipment must bear a mark indicating its compliance with Directive 2008/68/EC and this Directive to ensure its free movement. 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;

Inspections: periodic inspections, intermediate inspections and exceptional checks of transportable pressure equipment will 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.

Conformity reassessment: 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 is subject to reassessment of conformity.

Notified bodies: the conformity assessment procedures provided for in the Annexes to Directive 2008/68/EC and in this Directive require the intervention of inspection bodies setting out detailed operational requirements to ensure a uniform level of performance throughout the Union. These inspection bodies should then be notified by the Member States to the Commission.

Notifying authorities: Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment, notification and subsequent monitoring of notified bodies. The notifying authority should retain responsibility for monitoring the notified body regardless of where the notified body performs its activities in order to ensure clear responsibility for ongoing monitoring.

Mutual recognition: the Directive lays down common rules for the mutual recognition of notified bodies which ensure compliance with Directive 2008/68/EC and this Directive. Those common rules will have the effect of eliminating unnecessary costs and administrative procedures related to the approval of the equipment and of eliminating technical barriers to trade.

ENTRY INTO FORCE: 20/07/2010.

TRANSPOSITION: 30/06/2011. Member States shall ensure that Article 21(2)(d) (accreditation certificates on applications for notification) applies with effect from 01/01/2012. All Member States provisions must apply to pressure receptacles, their valves and other accessories used for the carriage of UN No 1745, UN No 1746 and UN No 2495 from 01/07/2013.