

Simple pressure vessels: making available on the market. Recast. 'Goods package'

2011/0350(COD) - 12/09/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Zuzana ROITHOVÁ (EPP, CZ) on the proposal for a directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of simple pressure vessels (recast).

The committee recommends that the position of the European Parliament adopted in first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Further align the Directive to the new legislative framework and ensure legal certainty: Members propose to amend the proposed Directive in order to reach a higher level of consistency with the terms used by the Decision No 768/2008/EC and to eliminate the possible inconsistencies in the text which could otherwise create legal uncertainty.

They also want to clarify **the legal situation for products that have been legally placed on the market in compliance with the current Directive before the new Directive applies, but which are still in stock.** In this respect, they suggest that economic operators should be able to sell stocks of simple pressure vessels that are already in the distribution chain on the date of application of national measures transposing the Directive.

Obligations of economic operators: manufacturers and importers shall indicate, on the vessel (or packaging), their name, registered trade name or registered trade mark and **the postal, or, if available, the website address** at which they can be contacted. The contact details shall be in the language easily understood by end-users and market surveillance authorities.

Members wish to **strengthen consumer protection** through a provision stating that instructions and safety information as well as any labelling shall be clear, understandable and intelligible. Furthermore, they consider that all obligations imposed on economic operators by the Directive should also apply in the case of **distance selling**.

EU declaration of conformity: upon the request of the market surveillance authorities, the economic operator shall provide a copy of the EU declaration of conformity in **paper form or by electronic means** and shall ensure that it is translated into the language or languages required by the Member State in which market the vessel is placed or made available.

In order to **cut down red tape**, it should be possible to replace the single EU declaration by individual EU declarations of conformity relevant for the particular vessel, when issuing a single EU declaration of conformity could cause specific problems due to the complexity or scope of that single EU declaration.

Restrictive measures in cases of non-conformity: Member States shall ensure that appropriate restrictive measures are taken in respect of the vessel concerned, such as **withdrawal of the vessel from the market**, without delay.

Improve market surveillance: the report proposes that Member States shall: (i) provide the Commission annually with details of the activities of their market surveillance authorities; (ii) provide adequate funding to their market surveillance authorities in order to ensure that their activities are coherent and effective across the Union.

Improper marking and penalties: Members want Member States to build upon existing mechanisms to ensure correct application of the regime governing the **CE marking** and shall take appropriate action in the event of improper use of the marking. Rules on penalties applicable to infringements by economic operators may include **criminal penalties** for serious infringements.

Transparency: the Commission shall **publish on the internet** the penalties applicable and national provisions transposing the directive.