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

2011/0350(COD) - 05/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 648 votes to 13, with 10 abstentions, a legislative resolution 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).

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

Further align the Directive to the "new legislative framework" and ensure legal certainty: the amendments made by the Parliament seek to ensure that the proposed Directive is more consistent with the terms used by Decision No 768/2008/EC and to eliminate any inconsistencies in the text which could otherwise create legal uncertainty.

Purpose and scope: the Directive should aim to ensure that the simple pressure vessels on the market fulfil the requirements providing for a high level of **protection of health and safety of persons, as well as protection of domestic animals and property**.

This Directive covers simple pressure vessels which are **new to the Union market** when they are placed on the market; that is to say they are either new simple pressure vessels made by a manufacturer established in the Union or simple pressure vessels, whether new or second-hand, imported from a third country.

This Directive should apply to all forms of supply, including **distance selling**.

Obligations of importers: manufacturers and importers should indicate on the vessel their name, registered trade name or registered trade mark and the postal address at which they can be contacted. The contact details shall be in a **language easily understood** by end-users and market surveillance authorities. Instructions and safety information, as well as any labelling, shall be clear, understandable and intelligible.

In order to facilitate communication between economic operators, market surveillance authorities and end-users, Member States should encourage economic operators to include a **website address** in addition to the postal address.

When placing on the market their vessels of which the product of PS x V is 50 bar.L or less, manufacturers should ensure that they have been designed and manufactured in accordance with the **sound engineering practice** in one of the Member States.

EU declaration of conformity: the EU declaration of conformity shall have the model structure set out in Annex IV, shall contain the elements specified in the relevant modules set out in Annex II and shall be continuously updated.

In order to **reduce the administrative burden** on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.

CE marking: Parliament called on the 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 that marking.

Notified bodies: a conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities. The **impartiality** of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

Market surveillance: Member States should take all appropriate measures to ensure that simple pressure vessels may be placed on the market only if, when properly stored and used for their intended purpose, they do not endanger the health and safety of persons.

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

Member States should lay down rules on **penalties** applicable to infringements of the provisions of national law and ensure that those rules are enforced. These penalties should be effective, proportionate and dissuasive.

Stock: distributors should be able to supply simple pressure vessels that have been placed on the market, namely stock that is already in the distribution chain, before the date of application of national measures transposing this Directive.

Implementing measures: in order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. The Commission should adopt **immediately applicable** implementing acts where, in duly justified cases relating to compliant simple pressure vessels which present a risk to the health or safety of persons, to domestic animals or to property, imperative grounds of urgency so require.

The Commission shall be assisted by the Committee on Simple Pressure Vessels.

When matters relating to this Directive, other than its implementation or infringements, are being examined, i.e. in a Commission expert group, the **European Parliament should in line with existing practice receive full information** and documentation and, where appropriate, an invitation to attend such meetings.