

Making available on the market of pressure equipment. Recast

2013/0221(COD) - 15/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 608 votes to 16, against 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 pressure equipment (recast).

The committee recommended that Parliament's position in first reading following the ordinary legislative procedure should amend the Commission proposal.

It should be recalled that the commission presented this recast of Directive 97/23/EC on the approximation of the laws of the Member States concerning pressure equipment in June 2013 in the framework of the implementation of the New Legislative Framework (NLF) adopted in 2008 (the Goods Package).

This Directive was separated from the alignment package presented in November 2011 because, unlike the other 9 Directives, this recast also contained an alignment with another EU legislative act, namely Regulation (EC) No 1272/2008 (CLP Regulation) on classification, labelling and packaging of substances and mixtures.

The committee supported the Commission's general intention of a simple alignment and therefore limited its amendments to the proposal to changes reflecting the agreement obtained between Council and Parliament on the nine other Directives and which had been omitted in the proposal.

Scope: the Directive covered pressure equipment which is new to the Union market when it was placed on the market; that is to say it was either new pressure equipment made by a manufacturer established in the Union or pressure equipment, whether new or second-hand, imported from a third country.

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

Economic operators: the latter should be responsible for the compliance of pressure equipment with the requirements of the Directive, so as to ensure a high level of protection of public interests, such as **the health and safety of persons, and the protection of domestic animals and of property.**

Manufacturers should indicate, on the pressure equipment, their name, registered trade name or registered trademark and the postal address at which they can be contacted or, where that is not possible, on their packaging or in a document accompanying the equipment. The address should indicate a **single point at which the manufacturer can be contacted**. The contact details should be in a **language easily understood** by consumers, other users and market surveillance authorities.

Every **importer** should indicate on the pressure equipment his name, registered trade name or registered trade mark and the postal address at which he can be contacted.

Lightening the administrative burden: 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: this shall be affixed visibly, legibly and indelibly to each item of pressure equipment or its dataplate. Member States shall 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.

Reasonable transitional period: Parliament and the Council clarified the legal situation of products which have been placed legally on the market in conformity with the Directive in force, i.a. before the new Directive applies, but which are still in stock in the distribution chain.

Market surveillance and control of pressure equipment and assemblies entering the Union market: a procedure for dealing with pressure equipment or assemblies presenting a risk at national level has been introduced as well as a Union **safeguard measure**.

In case of formal non-compliance of equipment, Member States shall require the relevant economic operator to put an end to the non-compliance concerned. Where the non-compliance persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the equipment or assembly being made available on the market or ensure that it is **recalled or withdrawn from the market**.

The Commission should adopt **immediately applicable implementing acts** where, in duly justified cases relating to compliant pressure equipment or assemblies which present a risk to the health or safety of persons, to domestic animals or to property, imperative grounds of urgency so require.

In order to take into account emerging **very serious safety reasons**, the power to adopt acts should be delegated to the Commission in respect of amendments to classification of pressure equipment or assemblies.

Lastly, 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.