






Basic information	
1997/0011(SYN) SYN - Cooperation procedure (historic)	Procedure completed
Transport safety: transportable pressure equipment Repealed by 2009/0131(COD)	
Subject 3.20.05 Road transport: passengers and freight 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)	

Key players					
European Parliament	Committee responsible		Rapporteur	Appointed	
	TRAN	Transport and Tourism	CAMISÓN ASENSIO Felipe (PPE)	23/09/1997	
	Former committee responsible		Former rapporteur	Appointed	
	TRAN	Transport and Tourism	CAMISÓN ASENSIO Felipe (PPE)	23/09/1997	
	Former committee for opinion		Former rapporteur for opinion	Appointed	
	ECON	Economic and Monetary Affairs, Industrial Policy	BARTON Roger (PSE)	03/09/1997	
	JURI	Legal Affairs, Citizens' Rights	PALACIO VALLELERSUNDI Ana (PPE)	18/06/1997	
	ENVI	Environment, Public Health and Consumer Protection	The committee decided not to give an opinion.		
	Council of the European Union	Council configuration		Meetings	Date
		Transport, Telecommunications and Energy		2119	1998-10-01
Transport, Telecommunications and Energy		2142	1998-11-30		
Industry		2174	1999-04-29		

Key events

Date	Event	Reference	Summary
08/01/1997	Legislative proposal published	COM(1996)0674 	Summary
19/02/1997	Committee referral announced in Parliament		
04/02/1998	Vote in committee		Summary
04/02/1998	Committee report tabled for plenary, 1st reading/single reading	A4-0039/1998	
18/02/1998	Debate in Parliament		Summary
12/05/1998	Modified legislative proposal published	COM(1998)0286 	Summary
30/11/1998	Council position published	12050/2/1998	Summary
17/12/1998	Committee referral announced in Parliament, 2nd reading		
17/02/1999	Vote in committee, 2nd reading		Summary
17/02/1999	Committee recommendation tabled for plenary, 2nd reading	A4-0094/1999	
09/03/1999	Debate in Parliament		
20/04/1999	Modified legislative proposal published	COM(1999)0151 	Summary
29/04/1999	Act adopted by Council after consultation of Parliament		
29/04/1999	End of procedure in Parliament		
01/06/1999	Final act published in Official Journal		

Technical information	
Procedure reference	1997/0011(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Repealed by 2009/0131(COD)
Legal basis	EC Treaty (before Amsterdam) E 075-p1
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/10594






Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0039/1998 OJ C 080 16.03.1998, p. 0004	04/02/1998	
Text adopted by Parliament, 1st reading/single reading		T4-0084/1998 OJ C 080 16.03.1998, p. 0185-0217	19/02/1998	Summary

Committee recommendation tabled for plenary, 2nd reading		A4-0094/1999 OJ C 175 21.06.1999, p. 0006	17/02/1999	
Text adopted by Parliament, 2nd reading		T4-0162/1999 OJ C 175 21.06.1999, p. 0097-0107	10/03/1999	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	12050/2/1998 OJ C 018 22.01.1999, p. 0001	30/11/1998	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1996)0674  OJ C 095 24.03.1997, p. 0002	08/01/1997	Summary
Modified legislative proposal	COM(1998)0286  OJ C 186 16.06.1998, p. 0011	12/05/1998	Summary
Commission communication on Council's position	SEC(1998)2148 	11/12/1998	Summary
Modified legislative proposal	COM(1999)0151 	20/04/1999	Summary
Follow-up document	COM(2005)0415 	09/09/2005	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0766/1997 OJ C 296 29.09.1997, p. 0006	10/07/1997	Summary
EU	Implementing legislative act	32002L0050 OJ L 149 07.06.2002, p. 0028	06/06/2002	Summary
EU	Implementing legislative act	32003D0525 OJ L 183 22.07.2003, p. 0045-0045	18/07/2003	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Transport safety: transportable pressure equipment

1997/0011(SYN) - 10/07/1997 - Economic and Social Committee: opinion, report

The ESC therefore endorses the Council's proposal for a directive inasmuch as the proposed directive is the result of consultations held by the Commission with both Member State governments and European trade federations. The ESC feels it would be useful to include the following specific technical data either in this directive or in the ADR: - procedures for filling liquid gas cylinders and liquefied gas tanks, recommended and checked by notified inspection bodies, - operating specifications - construction - certification and marking of valves on the above-mentioned cylinders and tanks. Implementing this directive will bring about a reduction in costs, i.e. some economic benefit for the manufacturers of pressure equipment, because, in future, approval and marking will take place only in one Member State and the equipment will then circulate freely throughout the EU. It follows that, with competition, the price of such equipment will drop. The ESC hopes that the industry (equipment manufacturers, i.e. of cylinders, tanks and other components, and liquefied gas producers and distributors) will pass on the resulting economic benefit to consumers in the end price of its products.

Transport safety: transportable pressure equipment

1997/0011(SYN) - 10/03/1999 - Text adopted by Parliament, 2nd reading

At second reading under cooperation procedure, the European Parliament adopted the recommendation by Felipe Camisón Asensio (PPE,ES) to amend the Council common position on the proposal for a Council directive on transportable pressure equipment, notably in the following areas: - providing that the notified bodies responsible for reassessing conformity of the type may make unannounced visits to check whether reassessment of the receptacles manufactured in series has been made correctly and efficiently; - requiring Member States to inform the Commission immediately of any persistent non-conformity; - requiring the Commission to inform the Council and the European Parliament of the measures adopted according to the procedure set out in the proposed directive.

Transport safety: transportable pressure equipment

1997/0011(SYN) - 20/04/1999 - Modified legislative proposal

In its re-examined proposal, the European Commission incorporated one amendment approved by the European Parliament in its second reading. This seeks to introduce obligatory notification to the Commission in the event of non-conformity. All the other amendments were rejected (in particular, those dealing with re-evaluation of a certified recipient by a body notified by the Member States).

Transport safety: transportable pressure equipment

1997/0011(SYN) - 30/11/1998 - Council position

The common position with a view to adopting a Council Directive on transportable pressure equipment (TPE) incorporates the content, if not the wording, of those European Parliament amendments included in the Commission's amended proposal. However, the Council did amend the Commission's amended proposal, notably in the following areas: - reassessment of conformity for existing TPE: the common position provides for the introduction of a procedure for subsequent assessment, at the request of the owner or holder, of the conformity of TPE already manufactured and put into service before the implementation date of this Directive with the relevant provisions of the Annexes to Directives 94/55/EC and 96/49/EC. A specific provision has been included for the reassessment of valves and other accessories used for transport. If the results of the reassessment are satisfactory, the TPE must undergo the periodic inspection; - TPE outside the scope of the Directive: the Commission proposal specifically excludes aerosol dispensers, gas cylinders for breathing appliances and equipment used exclusively for transport with third countries from the scope of the Directive; - notified bodies and approved bodies: the common position does away with type C bodies and establishes two types of body, a notified body (type A) and an approved body (type B). Member States may authorise an approved body to assess the conformity of receptacles, including their valves and other accessories, which are intended to be placed on the national market and hence do not bear the Community mark; - the common position provides for a number of provisions ensuring safety in the use of valves and other accessories for transport; - national provisions: Member States may retain their national requirements for devices intended for connection with other equipment, for colour coding and for the reference temperature; - committee procedure: the common position opts for a regulatory committee (type IIIa) instead of an advisory committee (type I), as proposed by the Commission; - implementation of the Directive: the proposed dates of transposition have been changed and provision is made for deferral of the Directive's implementing date for certain TPE; - transitional arrangement: the common position provides for the introduction of a transitional provision authorising the placing on the market and putting into service of TPE manufactured in accordance with the regulations in force nationally before the implementation of this Directive; - gas cylinders: the common position specifies which procedures are applicable to gas cylinders - a single conformity assessment procedure for all new TPE and a periodic inspection procedure for existing gas cylinders.

Transport safety: transportable pressure equipment

1997/0011(SYN) - 06/06/2002 - Implementing legislative act

PURPOSE : to adapt to technical progress Council Directive 1999/36/EC on transportable pressure equipment. COMMUNITY MEASURE : Commission Directive 2002/50/EC adapting to technical progress Council Directive 1999/36/EC on transportable pressure equipment. CONTENT : Commission Directive 2001/2/EC amended the certification procedures provide for in Directive 1999/36/EC as regards the combination of the modules to be followed for the conformity assessment of the new receptacles and new tanks. It is necessary to change these modules in order to ensure better coherence between them. It is also necessary to amend accordingly Annex IV to the Directive. The measures provided for in this Directive are in accordance with the opinion of the Committee on transport of dangerous goods. ENTRY INTO FORCE : 26/06/2002. IMPLEMENTATION : 01/01/2003.

Transport safety: transportable pressure equipment

1997/0011(SYN) - 11/12/1998 - Commission communication on Council's position

The Commission considers that the Council's common position has followed and built on the opinion of the European Parliament which, at its first reading, asked in particular for type C inspection bodies to be done away with, for procedures to be introduced for reassessing the existing equipment and for a delay in applying this Directive. The other notable amendments incorporated in the common position are consistent with the objectives of the Commission's proposal and take account of certain provisions of Directive 97/23/EC relating to (fixed) pressure equipment. Accordingly, the Commission supports the common position.

Transport safety: transportable pressure equipment

1997/0011(SYN) - 29/04/1999 - Final act

PURPOSE : to enhance safety with regard to transportable pressure equipment approved for the inland transport of dangerous goods by road and by rail and to ensure the free movement of such equipment within the Community, including the placing on the market and repeated putting into service and repeated use aspects. COMMUNITY MEASURE : Council Directive 1999/36/EC on transportable pressure equipment. CONTENT : for the purpose of this Directive, 'transportable pressure equipment' means : - all receptacles (cylinders, tubes, pressure drums, cryogenic receptacles, bundles of cylinders); - all tanks, including demountable tanks, tank containers (mobile tanks), tanks of tank wagons, tank or receptacles of battery vehicles or battery wagons, tanks of vehicles. This definition excludes aerosol dispensers and gas cylinders for breathing, as well as equipment which is specifically used for transport operations between the European Communities and the third countries. The main measures of this directive concern : - the conformity assessment for the placing on the Community market of new transportable pressure equipment: the new receptacles and new tanks shall meet the relevant provisions of Directive 94/55/EC and 96/49/EC; - the conformity assessment for the placing on the national market of new transportable pressure equipment; - the reassessment conformity for existing transportable pressure equipment: the Directive foresees the setting up of a procedure aiming to evaluate a posteriori the demand of the owners and the holder, the conformity with the relevant provisions of the Annexes of Directives 94/55/EC and 96/49/EC, of the existing transportable pressure equipment in the putting into service before the date of application of the Directive. A measure is provided for the re-evaluation of valves and other accessories used for transport. If the results of the evaluation are satisfactory, then transportable pressure equipment must be subject to a periodic check. The Directive foresees the setting up of a procedure aiming at the creation of two bodies, the notified bodies (type A body) and the approved bodies (type B body). The Member States have the possibility to authorise the approved bodies to evaluate the recipient's conformity, including their valves and other accessories, destined to be placed on the national market and thus without Community markings. With the purpose of placing new equipment on the market, the Directive foresees the recognition of the agreements issued by inspection bodies (organisations designated by the Member States), whether they are internal or independent, and the affixing of recognised mark on the approved equipment; approval and marking in a single Member State will be sufficient to permit the placing on the market of the equipment or its use throughout the Community. It should be noted that inspection bodies have to fulfil common quality criteria in order to receive their designation from the national administrations. There is a provision for a safeguard clause where a Member State finds that transportable pressure equipment is liable to endanger the health and/or safety of persons. A Member State may retain its national provisions concerning devices intended for connection with other equipment and colour codes applicable to transportable pressure equipment until such time as European standards for use are added to the Annexes to Directives 94/55/EC and 96/49/EC. A transitional provision, of a maximum of two years, permits the placing on the market of transportable pressure equipment manufactured in accordance with national regulations in force prior to the implementation of the Directive. ENTRY INTO FORCE : 01/06/1999. DEADLINE FIXED FOR THE TRANSPOSITION : 01/12/2000. Implementation at latest by 01/07/2001.

Transport safety: transportable pressure equipment

1997/0011(SYN) - 12/05/1998 - Modified legislative proposal

The amended proposal incorporates 8 amendments adopted by the European Parliament at first reading. The Commission has accordingly amended its proposal as follows: - Member States must ensure that inspection bodies are independent, efficient and professionally capable of carrying out their appointed tasks; - transportable pressure equipment placed on the market before 01/07/1999 which does not meet the requirements of Directives 94/55/EC and 96/49/EC does not fall within the scope of the Directive; - the scope of the Directive is extended to non-refillable equipment; - type C inspection bodies are deleted and the definition of type B inspection bodies is extended; - the implementation of the new approval procedure is confined to type A inspection bodies; - the possibility of periodic testing in the various Member States is provided for.

Transport safety: transportable pressure equipment

1997/0011(SYN) - 19/02/1998 - Text adopted by Parliament, 1st reading/single reading

Adopting the report by Mr Felipe CAMISON ASENSIO (PPE,E), Parliament approved the proposal for a directive while stepping up safety standards for the transport of pressure equipment. Parliament seeks to ensure the mutual recognition of inspection procedures in the directive and recommends that

the equipment concerned be given separate designation for ease of identification. Transportable pressure equipment placed on the market before 1 July 1999 (instead 1 January 1999) which does not meet the requirements of Council Directives 94/55/EC and 96/49/EC does not fall within the scope of this directive.

Transport safety: transportable pressure equipment

1997/0011(SYN) - 08/01/1997 - Legislative proposal

OBJECTIVE: the proposal for a directive seeks to enhance safety with regard to transportable pressure equipment approved for the inland transport of dangerous goods and to ensure the free movement, including the aspects of placing on the market, repeated putting into service and use of such equipment within the Community. **SUBSTANCE:** Although Directives 94/55/EC and 96/49/EC allowed great progress to be made in harmonizing technical provisions for the safe transport of transportable pressure equipment, particularly with regard to construction and use, certain measures remain to be taken as regard the freedom to provide transport services involving this type of equipment including their use and refilling. To this end the proposal provides for a guarantee of transport safety by introducing new procedures for periodic inspection of all existing transportable pressure equipment and conformity assessment procedures following the modular approach for all equipment manufactured pursuant to Directives 84/525/EEC, 84/526/EEC and 84/527/EEC. The freedom to provide transport services will be fully attained if, as a result of the harmonization provided, new transportable pressure equipment and equipment which complies with Directives 94/55/EC and 96/49/EC including cylinders manufactured in conformity with Directives 84/525/EEC, 84/526/EEC and 84/527/EEC used in the context of a transport operation are recognized in other Member States. For the purpose of placing on the market of new equipment, the proposal provides for the recognition of approvals issued by the testing bodies (testing bodies designated by the Member States) whether independent or in-house, and by affixing a recognized mark for approved equipment; approval and marking in one Member State will be sufficient to place the equipment on the market or use it in any part of the Community. It should be noted that the testing bodies must meet the common quality criteria to be designated by the national governments. Lastly, a safeguard clause is provided for when a Member State finds that equipment is liable to cause damage to health or endanger safety.

Transport safety: transportable pressure equipment

1997/0011(SYN) - 09/09/2005 - Follow-up document

The European Commission has presented a report on the application by the Member States of Council Directive 99/36/EC on transportable pressure equipment.

Article 4 of Directive 99/36/EC sets out specific provisions for placing transportable pressure equipment products on the national market of a particular Member State.

Under Article 4, Member States may authorise on their territory the placing on the market, transport and putting into service by users of receptacles the conformity of which has been assessed by an approved body.

It appears from the report that many Member States have not availed themselves of the option offered by Article 4. Ten Member States (Belgium, France, Ireland, Italy, Lithuania, Hungary, Malta, Netherlands, Slovenia and the United Kingdom) decided to use the option. However, 14 Member States decided not to use the option (Greece did not reply).

A majority of Member States have decided not to avail themselves of the option offered by Article 4 of Directive 99/36/EC for their domestic legislation. In other words, a majority of Member States do not permit approved bodies to carry out conformity assessments for placing new transportable pressure equipment on the national market.

In addition, in the Member States that have used the option given in Article 4, practical implementation has hardly begun. Only in Lithuania, Hungary and Slovenia are applications under consideration to recognise approved bodies, but so far none has been recognised.

Bearing in mind that the implementation of the Directive is currently still partial, until 1 July 2005, final conclusions and recommendations on Article 4 should only be taken after that date, i.e. after the Directive has become fully applicable to all transportable pressure equipment (including pressure drums, bundles of cylinders and tanks).

The Commission will come back to this issue when the Member States have gained experience of applying the Directive in full.