

Pressure Equipment Stakeholders

December 2010

Dear Pressure Equipment Stakeholder,

Pressure Equipment Stakeholder Report – December 2010

First of all, news of some changes in the Technical Regulations team here at BIS. Many of you will know Mike Dodds, who worked on (among other things) Pressure Equipment and Machinery for a number of years, Mike has now moved on to another post in BIS to look after policy on the Low Carbon economy. I'm sure you will join me in wishing him well for the future. Following this move, I have added responsibility for the Machinery Directive to my existing work on Pressure Equipment and ATEX.

This stakeholder report includes a note of the PED Working Group (WGP) meeting on 24 November at Annex A – this also contains reports from meetings of the Working Party on Guidelines (WPG) and the Working Party on Materials (WPM). A full report of the WGP is attached at the annex to this letter, but I have summarised some of the headlines below.

- The Commission is still waiting for further news and a written opinion from its Legal Services (CLS) on the status of cylinders for breathing apparatus (BA). The Commission desk officer for PED is pressing for a meeting with other parties in the Commission to resolve this as soon as possible.
- The Commission is still working on proposals to align PED and SPV with the New Legislative Framework (NLF). A formal proposal is likely to be submitted to the European Parliament and Council in the Spring of next year.
- The WPG is working on guidance concerning the Regulation on classification, labelling and packaging of hazardous substances (CLP). To help take this forward, the Commission has asked for assistance from experts on health hazards. If you are interested in contributing to this work, please let me know (andrew.lunnon@bis.gsi.gov.uk) and I will forward your name to the Commission.

- Alignment of PED with the new CLP Regulation will be required. The Commission is investigating the possibility of including this as part of the NLF alignment package.
- The Commission said that it had received a complaint that Notified Bodies (NBs) were carrying out approvals of Non-Destructive Testing personnel when they were not notified for carrying out this work. The Commission will investigate further.
- The Commission gave a presentation on its work on Technical Barriers to Trade (TBT). It has a number of electronic tools on its website to help stakeholders identify and react to notifications (<http://ec.europa.eu/enterprise/tbt>).
- The Commission is considering items for the agenda of the next EU-China Working Group (to take place in Brussels during the Spring).
- The next WGP meeting is to be either January or March 2011, depending on progress with the NLF alignment.

Finally, it has come to our notice that there are a number of companies that claim or appear to claim to be Conformity Assessment Bodies when they hold no such appointment. Such claims are misleading manufacturers and importers into using the services of these unauthorised organisations. The pages on the BIS website for areas covered by the Technical Regulations team now include advice to companies seeking the services of a Conformity Assessment Body, an example can be found at: <http://www.bis.gov.uk/policies/business-sectors/environmental-and-technical-regulations/technical-regulations/ec-product-directives/pressure-equipment-directive-97-23-ec> (Conformity Assessment Bodies section).

As ever, if you have any comments or questions, please do not hesitate to get in touch.

With my best wishes for Christmas and for a Happy New Year,

A.D. Lunn

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Environmental and Technical Regulations Directorate

MEETING OF WORKING GROUP PRESSURE (WGP) 24 November 2010

1. Opening: The meeting was chaired by Hans D'Hooge of the Commission. Evie Thanassoulia (Commission Legal), Jacques Macmillan and Birgit Wiedel (Commission horizontal unit) were present for item 6. Most Member States were represented, together with Switzerland, Orgalime, CABF, CEN, ECUI, EIGAS, EEMUA. The UK was represented by Andrew Lunnon (BIS) and David Bosworth (HSE).

2. Adoption of the agenda: Adopted without comment.

3. Adoption of minutes of WGP meeting of 31 March 2010: Adopted.

4. WPG and WPM business

4.1 Report on WPG and WPM meetings

WPG meetings had taken place on 21 September and 6 October (and ad hoc meeting on PED alignment with CLP). A WPM meeting was held on 5 October.

Breathing apparatus cylinders were discussed again on 21 September. The Commission was still waiting for the other DGs involved to give their views on the written opinion from the Commission Legal Services. A meeting between the different parties within the Commission was needed.

The WPM on 5 October had covered the guideline on approval of materials and an EM application which had been sent back to the applicant.

4.2 Adoption of PED Guidelines proposed by WPG and WPM

- Guideline 1/1: portable fire extinguishers. Agreed.
- Guideline 1/26: pressure equipment installed in machinery. Adopted in the previous WGP, but returned to the group following editorial changes from WPG of 21 September. Agreed.
- Guideline 1/36: cylinders for fixed fire extinguishers under PED or TPED. Now clarified, but means the same – cylinders fall under TPED if transported under pressure to/from filling station. Further discussion will take place in WPG.
- Guideline 7/21 on Particular Material Appraisals (PMAs). Agreed.
- Guideline 8/14 on PMA. To be returned to WPG.
- Guideline 9/13 on PMA. There was a general concern that this should not be delayed further. A slight change of emphasis to underline that the PMA should be written by the equipment manufacturer was agreed.
- Guideline 7/26 on EAM. Aims to give material manufacturer more information up front. Approved.

5. Status of alignment PED to CLP Regulation on classification of hazardous substances

The Commission reported that this alignment might be possible as part of the NLF alignment package, but this had to be confirmed by the Commission Legal Services (CLS). The Commission and the WPG were looking at how to transpose the CLP changes into PED – the intention is to try to avoid moving too far from the current situation as greater deviation means less chance of getting the changes into the NLF package.

The Commission reported that the WPG has been working on analysis of the new CLP classifications and what they might mean for the current Group 1 and Group 2 classifications under PED. The group have made progress on physical hazards, but health hazards need more work – the Commission asked Member States whether they could suggest experts in this field who might be willing to help.

6. Alignment of PED/SPVD to New Legislative Framework for the internal market for goods

Jacques Macmillan (Commission horizontal unit) said that PED and SPV are to be included in the alignment package covering 10 Directives that are not due for revision. This is a one-off alignment to bring in the NLF requirements as quickly as possible and sectoral issues concerning the Articles or EHSRs are strictly excluded. There will be some flexibility in language used, although as far as possible Directives must be adapted to the Lisbon Treaty (e.g. “Community” becomes “Union”) and use the language in the NLF Decision. Variations must be justified to the CLS and Impact Assessment Board, the Parliament and Council. There will be one Impact Assessment for the whole package. The Commission intending to submit common proposals for the 10 Directives in Spring 2011. It is working with the Presidency and Council to ensure the package is negotiated through the horizontal Council Working Group and one rapporteur in the Parliament. Two years will be allowed for transposition.

7. Notifications in NANDO

The Commission said that it had received a complaint that Notified Bodies (NBs) were carrying out approvals of Non-Destructive Testing personnel when they were not notified for carrying out this work. The Commission will investigate further and contact the national authorities of the NBs involved.

8. Trade relations in the pressure equipment sector

8.1 WTO TBT database

Janna Prestina of the Commission gave presentation the Commission’s work on Technical Barriers to Trade (TBT). There is a notification procedure for technical regulations and conformity assessment that all WTO members party to the TBT agreement have to abide by. Members can react to notifications to prevent barriers to trade. All member States have a mechanism for consulting stakeholders on notifications. If problems are identified with proposals from third countries, the Commission can open a dialogue with the country to seek solutions – this can lead to withdrawal, harmonisation with international standards,

modification, postponement or clarification of the 3rd country proposal. The Commission has a number of electronic tools on its website to help stakeholders identify and react to notifications (<http://ec.europa.eu/enterprise/tbt>). Notifications can be searched by country, product type etc and the Commission can be contacted in case of comments or if translations are required. There is also the facility to subscribe to email alerts on sectors, countries etc.

8.2 FTA negotiations with India

The Commission reported on the Free Trade Agreement negotiation with India. India would like mutual recognition of local conformity assessments for some sectors, including pressure equipment, although this is a long way off at the moment. So far, feedback from EU PED stakeholders is unenthusiastic about engagement on pressure equipment.

8.3 EU-China Working Group

The Commission said that in a change from previous occasions, sector groups were meeting separately. A working group meeting with China on standardisation had been held and that there was the possibility of a meeting on pressure equipment in the Spring. The Commission has asked for suggestions for items for discussion.

9. Status reports

9.1 Report from CEN:

The CEN report was tabled but not discussed.

9.2 Report from the CABF PED/SPVD

CABF reported on the use of harmonised standards in the EU. They indicated that usage ranged from 0 to 100% but further details were in the CABF report.

10. Information- Offshore oil exploitation

The UK supported the EU review of legislation against best practice and practical experience. It cautioned against compromising the effective control exercised by many Member States and requested that the Commission consider all the information available when considering any future evidence based proposals.

11. Any other business

There was no A.O.B

11.1 Future meetings:

No firm date was set for a future meeting other than indicating January or March of 2011. The date will depend upon progress of the alignment of the PED with the NLF if the alignment to CLP was to be included in the Commission Proposal, then a meeting in January could be required.

Andrew Lunnon

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