

Pressure Equipment Stakeholders

August 2010

Dear Pressure Equipment Stakeholder,

**Pressure Equipment Stakeholder Report – August 2010**

I am sorry that this report has been delayed - as you might imagine, the run-up and the period following the general election in May has been a very busy time for us.

This stakeholder report includes a note of the PED Working Group (WGP) meeting on 31 March 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 Legal Services (CLS) gave a verbal update on the status of cylinders for breathing apparatus (BA). It concluded that BA cylinders are included in the scope of the PED, except for those made under ADR which are excluded under Article 1.3.19 of PED. An amendment to the ADR in 2011 should bring improvements to this situation. A written opinion from the CLS will be available at the next WGP meeting.
- The Commission is still working on proposals to align PED and SPV with the New Legislative Framework (NLF). The Commission stressed once again that the texts will be restricted to alignment and will not change the essential requirements of either Directive. A formal proposal is likely to be submitted to the European Parliament and Council in the first quarter of next year.
- The WPG is working on guidance on machinery that contains pressure equipment and manufacturer's responsibilities for rebranded equipment. Work is also under way on guidance concerning the Regulation on classification, labelling and packaging of hazardous substances.
- The WPM has considered an application for EAM and the guiding principles for PMAs.

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- The Commission is considering items for the agenda of the next EU-China Working Group (to take place in Brussels during the autumn) – the New China Safety Code and the status of Chinese requirements valves for piping were suggested at the WG.
- The next WGP meeting is to be 24 November (to be confirmed). WPG meetings are planned for 21 September and 6 October.

You may wish to note that the deadline for Commission's consultation on the Impact Assessment for the New Legislative Framework (NLF) has been extended to 15 October. The consultation can be found via this [link](#).

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

Regards,

*A.D. Lunn*

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## **MEETING OF WORKING GROUP PRESSURE (WGP)**

**31 March 2010**

**1. Opening:** The meeting was chaired by Commission Head of Unit, Vincente Leoz Argueles. Hans D'Hooge and Erwin Melaerts of the Commission were also present. Most Member States were represented, together with Switzerland, Turkey, Orgalime, CABF, CEN, ECUI. The UK was represented by Andrew Lunnon (BIS) and David Bosworth (HSE).

**2. Adoption of the agenda:** Adopted with the addition of a report of the previous day's ADCO meeting from Germany (ADCO Chair).

**3. Adoption of minutes of WGP meeting of 26 October 2009:** Adopted.

**4. Bottles for breathing apparatus (BA) – status:** The Commission Legal Services (CLS) gave a verbal update - there will be a written opinion for the next meeting. CLS explained that Article 1.3.19 of PED excluded equipment made under ADR from the scope of PED. Under Article 3 and Annex II, BA cylinders within the scope of PED should satisfy the Annex I requirements and be categorised under at least Category III. TPED and its proposed revision excluded BA cylinders. The CLS concluded that PED applied to BA cylinders except for those falling within the ADR exclusion. The ADR revision of 2011 will facilitate the transportation of cylinders made to the construction standards of PED – these will be exempt from the ADR construction requirements from 2013. There will be further discussion on this issue in the Working Group on Pressure Guidelines (WPG).

### **5. Alignment of PED/SPVD to New Legislative Framework for the internal market for goods**

**5.1 PED:** The Commission had presented a draft document aligning PED with the NLF Decision in October. Some comments had been received and the Commission asked for others by mid-May with a view to producing a further version in June for further comment. The Commission intends to submit formal alignment proposals for a number of Directives (including PED and SPV) to the European Council and Parliament in the first quarter of 2011. There will be a separate proposal for each Directive, but within a single package. The intention is that all proposals will go through co-decision at the same time. The Chair stressed that NLF is already part of Community law the existing sectoral Directives need to be aligned with it. The alignment measures must not introduce any requirements or changes to ESRs. There were a number of comments that the definitions in NLF interfere with more specific definitions etc in PED. The Chair advised that the Directive still prevails over the Decision.

**5.2 SPVD:** The Commission had presented a draft document aligning SPV to the NLF Decision, but this does not yet cover the Modules – the Commission has asked for help on this from experts such as Notified Bodies. Orgalime agreed to provide some input.

## **6. Report of WPG**

6.1 Adoption of Guidelines 1/26, 4/14: 1/26 – Guideline 1/26 on machinery that incorporates pressure equipment was adopted at the last meeting on condition that any subsequent comments would reopen the issue. The guideline had been edited again following further comments in WPG in January. An amendment was proposed to state that for machinery containing pressure equipment that is excluded from PED, the PED ESRs are an appropriate way of obtaining the required safety level regarding pressure hazards.

4/14 – this guideline relates to the procedures for a company that wishes to rebrand a product made by another company and sell it under its own name. There was a discussion on the inclusion of references to a contract between the two companies as this is not required in PED. No conclusion was reached and so the guideline will be discussed again in WPG.

6.2 Status on Guidelines related to the CLP Regulation on the classification of hazardous substances: WPG had worked on a revision of guideline 2/39 on classification of hazardous substances to state that PED was to be updated to reflect the new version of CLP – this needs to take place before 2015 when the old version of CLP will be repealed. The Commission said that in the medium term work would be needed to match the CLP and PED risk phrases. WPG had asked the Commission to try and broaden the group's expertise to include those dealing with CLP, the Seveso Directive etc. Various people have come forward for this, including the UK HSE representative.

**7. Report of Working Group on Pressure Materials (WPM):** The Commission reported on the WPM meeting of 14 January. This had discussed an EAM application by TUV Nord and reviewed the guiding principles for PMA. A report of the meeting has been posted on CIRCA.

## **8. Trade relations in the pressure equipment sector**

EU-China Working Group: The Commission reported that the group had not met in 2009, since no major discussion points had been identified. It is now considering the meeting in 2010 (to take place during the autumn, in Brussels) – as yet, China has not suggested any discussion points. Orgalime suggested a discussion including the New China Safety Code, which is in force for Chinese manufacturers and will apply for non-Chinese companies from the end of 2010 and the status of Chinese requirements valves for piping – manufacturers have to comply with these, but no information is available. Sweden proposed a discussion on Chinese standards for pressure equipment. The Commission will consider these suggestions.

## **9. Status reports**

9.1 Report from CEN: EN 13445 is to be implemented by national standards bodies this year. There is also to be a new version of EN 13418 on metallic piping. Revised boilers standards are to be available in 2011. The PED Advisory Nucleus met in February. One issue that had been discussed was that there are currently 3 standards helpdesks (for

unfired pressure vessels, metallic industrial piping, shell and water-tube boilers) and whether it might be better to have just one covering all of these areas. EN 286 had also been discussed in connection with possible issues raised by the NLF alignment. It was remarked that there is a lack of resource in standards TCs and that the aim of the Advisory Nucleus might be revised to promote the use of European harmonised standards. The CEN/CENELEC Initiative on Future Landscape for European standardisation (FLES) had discussed the challenges brought by globalisation. As a result, there is now closer co-operation between CEN and CENELEC.

The Commission reported that The Expert Panel for the Review of the European Standardisation System (EXPRESS) had delivered its report in February. This is available online. The Commission had also launched a public consultation on European standardisation on 21 March.

### 9.2 Report from the CABF PED/SPVD

The Commission reported that there were 264 conformity assessment bodies notified in Europe, however only 200 were registered on the Circa system. This means that there are 64 assessment bodies that are not able to access the conformity guidance or to take part in discussions regarding the development of guidance.

The Commission is concerned about the high number of assessment bodies that are detached from the decision making system. They cited the current lack of clarity of how assemblies should be dealt with and questioned how such assessment bodies were able to make decisions that were in harmonised with those taken by the majority of assessment bodies who were aware of the deliberations and guidance on the Circa website.

There was no indication of any proposed steps to remedy this, but the representatives of the assessment bodies were asked to encourage active participation of all assessment bodies in the European deliberations.

## **10. Any other business**

Report of PED ADCO meeting, 30 March: The ADCO Chair gave a short report of the business of the previous day's PED ADCO meeting. There had been some discussion on the level of use of harmonised standards and a survey to find out more on this issue had been suggested. It was decided that a survey might be costly and give little in return, although Orgalime agreed to consult its members and report back.

10.1 Future meetings: WGP 24 November 2010 and ADCO 23 November 2010 (to be confirmed).

**Andrew Lunnon**  
**Department for Business, Innovation and Skills**