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PED Stakeholders

June 2007

Pressure Equipment Directive (PED) Stakeholder Report – Transportable Pressure Equipment Directive (TPED) Supplementary Report – June 2007

As many of you will be aware, in parallel to the process of reviewing the PED, there has been a similar review of the Transportable Pressure Equipment Directive (TPED). I have chosen to issue a supplementary Stakeholder Report in order to ensure that you are aware of the latest developments.

I can report that there a meeting was held in Brussels on 23rd May 2007 to discuss issues relating to TPED and how they relate to PED: UK was represented by Steve Shaw (HSE), as is usual for Guidelines meetings.

I was somewhat concerned that the normal Working Party Guidelines meeting was being used to discuss issues related to the TPED review; this concern was echoed by other attendees of the meeting. The Commission explained that operational requirements dictated that this would be the case.

The foundation of that discussion was the Commission paper PE 07-04: this is attached as Annex I to this report. The main outcomes of the meeting are also incorporated into the paper, using the same format as previous papers produced by the Commission.

In summary, there were three main proposals from WPG. They are detailed in the paper, along with the reasons behind the proposals.

In addition, UK has proposed that the management of future WPG meetings is reviewed. In effect, UK has proposed that unless there is sufficient business for WPG to meet, that such meetings are cancelled and urgent Guideline issues are dealt with by correspondence.

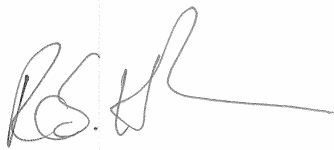
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Finally, COM announced that Hans Dhooge would be joining the Commission's PED team, to replace Klaus Steininger who has moved onto 'pastures new'. I'm sure that you'll join with me in wishing him good luck in his new posting.

In order to supplement this meeting, DTI hosted an additional meeting in London that was attended by HSE and officials from the Department for Transport who are involved with management of TPED in the UK. The meeting was constructive and agreement has now been reached about how future matters involving areas of overlap between PED and TPED would be managed.

Should you have any queries arising out of matters in this report, please don't hesitate to contact me.

Regards

A handwritten signature in black ink, appearing to read 'R. Holyomes', with a long horizontal stroke extending to the right.

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EUROPEAN COMMISSION
 ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL
 New Approach Industries, Tourism and CSR
Construction and Pressure Equipment

Brussels, 23 May 2007

Consolidated feedback from PED stakeholders (Member States authorities, Industry, Standards Bodies, Conformity Assessment Bodies) on the Revision of Directive 1999/36/EC on Transportable Pressure Equipment (TPED) for the attention of the Committee on Transport of Dangerous Goods

PED Stakeholders discussed the forthcoming revision of the TPED on the basis of document PE-07-04 below. The Group suggest the ways highlighted below in boxes to handle the problematic areas which verge on the border between PED and TPED for the consideration of the Committee on Transport of Dangerous Goods. The rest of the document is provided to give background information on the matters.

PE 07-04 : Revision of Directive 1999/36/EC on Transportable Pressure Equipment (TPED) : Relevant Issues for PED

Currently DG TREN has launched a major revision of the TPED, which inter alia aims to bring the TPED in line as much as possible with the principles of the New Regulatory Framework for the New Approach. The revision of the TPED is an opportunity for PED stakeholders to suggest matters to be taken into account, which are relevant for the “interface” between PED and TPED and which should be corrected with respect to the current situation, regardless of a possible future formal merger of the two directives¹.

Until now two issues have already been identified:

- (1) Currently the TPED lays down provision for conformity assessment of certain TPED pressure/safety accessories, for which directives 94/55/EC and 96/49/EC do not contain any detailed technical provisions and which must therefore be in accordance with the PED essential safety requirements, making mandatory for that pressure/safety accessories the use of PED conformity assessment modules, which correspond to the hazard category of the TPED equipment on/to which the pressure/safety accessory is installed. Although it is not entirely clear from the TPED legal text, current legal interpretation assumes that such pressure/safety accessories should be CE-marked (“under the TPED”?). This leads to frequent confusion at the PED end.

The amended TPED should

- Either explicitly provide for the use of the PI instead of the CE mark for such pressure/safety accessories, even if they are assessed under the PED in accordance with the PED essential safety requirements

¹ Even in case of a merger of PED and TPED in one legal text, technical requirements for stationary and transportable pressure equipment would have to be formulated separately in two chapters since New Approach principles are not likely to be implemented on an international level in the near future.

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- Or clearly stipulate that the said pressure/safety accessories shall be fully in line with the PED, i.e. also the conformity assessment (including its category and if applicable notified body involved) shall be done under the PED

Proposal from WPG²: Article 3.4 from TPED should be revised to delete the reference to PED, and remaining problems of special accessories without standards to be solved within the frame of ADR and TPED, and be marked in accordance with the TPED³

Reasons: 1) to avoid the confusion of the market which exists today (PED and TPED accessories follow different definitions, classification and conformity assessment procedures)
2) For most of TPED accessories, standards are now available within ADR

- (2) Certain “double use” equipment, e.g. gas cylinders for breathing apparatuses and portable fire extinguishers, currently are covered by the PED and/or ADR rules depending on its intended purpose, while in practice the design of such equipment is the same, regardless of whether the PED or ADR rules apply. Manufacturers also encounter difficulties when applying PED rules for the pressure test e.g. to breathing bottles. It might therefore be considered that such equipment, e.g. gas cylinders for breathing apparatuses and portable fire extinguishers, which is currently in the scope of the PED, might be better regulated by the TPED in the future. This could be achieved by explicitly extending the scope of the TPED beyond the ADR scope for these products and changing the PED (e.g. exemption 1.3.19, remark of annex II table 2) accordingly.

It should be noted that if such change is implemented it might also be necessary to make special provisions for the PED global conformity assessment of assemblies (e.g. breathing apparatus) comprised of PED article 3.3 equipment and certain by-then TPED equipment (e.g. breathing cylinders) to be still covered by this assessment. This could be done e.g. along the lines of the existing derogation of PED article 3.2.3 for assemblies generating hot water consisting only of PED article 3.3 equipment.

All necessary (but minor) modifications to the PED should be done through the legal act modifying the TPED.

² WPG (Working Party Guidelines) mandated by Working Group Pressure (PED Stakeholders) to provide feedback on the matter to CTDG.

³

Abstract of the list of Questions from PED WGP	
NEW 110 to	TPED/PED marking of pressure accessories
Origin of the question :	UK, November 2002. Waiting for advice of legal services. Extract from TPED guidelines in June 2003, New proposal from EC in June 2003 Position from WPG on 2003.06.18 transferred to TPED group TPED 12 revised after 2003.10.21, discussed by WPG on 2004.01.20. Comments to be sent to DG Tren.

Proposals from WPG:

I. Breathing cylinders (including those used by fire-fighters and divers): Should be explicitly dealt with by TPED, and deleted from PED,

Reasons:

- 1) due to their use (not only emergency and possible professional carriage), they have to follow ADR rules
- 2) the coverage by TPED will allow free movement (the situation was different when PED was developed)
- 3) periodic inspection is covered by ADR and not by PED ; the special use of breathing cylinders should be specifically taken into account in ADR or supplemented by national rules (according Article 6.4 of TPED)

Note for PED discussion if the above proposal is accepted: Breathing apparatus will not be covered by ADR and TPED. It is covered by PPE. Is-it sufficient or should it be maintained in the scope of PED (in a category higher than Article 3.3)?

II. Cylinders for portable fire extinguishers : leave them in the PED

Reasons

- 1) Only the CO2 type could be covered in TPED ; this splitting would create more confusion than simplification
- 2) They are portable and not transportable

General comments from WPG : sufficient time for overlap period is needed for the proposed changes

WPG entrusted Simon Emeny to attend the next TPED meeting to introduce these proposals, and report back to the next WPG.