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Pressure Equipment Directive Stakeholder Report – December 2007

Dear PED Stakeholder,

It was case of some major changes occurring here at BERR over the summer! Not only did we see changes to: the name of the department (with a new logo); email addresses; and the office location, the BERR New Approach regulation website is now currently being reviewed. Therefore, rather than delay publishing my stakeholder report until the new website layout is launched, I've chosen to send it to you via email. It, and all future stakeholder reports, will be published on the new site. You may wish to note the slight change in email addresses – from name@**dti**.gsi.gov.uk to name@**berr**.gsi.gov.uk – and whilst the 'old' DTI address will work for a short time, I advise you to change your address books now to avoid lost emails in the future; the same advice is valid for the postal address and hard-copy post.

You will find the BERR note of the recent meeting of the Pressure Equipment Directive Working Group, held in Brussels on 7th December 2007, forming Annex One of this report. There were several items of interest and I will deal with each in turn.

First, I shall deal with the news that I'm sure you've all been waiting with bated breath for some time now; at the meeting it was announced that the renegotiation of the PED would now not be taking place until at least 2010. The reasons for not doing so are noted in my report. Whilst I'm sure that the majority of UK stakeholders are content with this outcome, I believe that now would be a good time to begin to identify areas that have caused concern or where you would wish to see change and consider potential solutions. This activity should place UK in a strong position when the renegotiation process begins. I am now considering how BERR can facilitate this process and look forward to a productive series of meetings and discussions over the next two years.

A report was also given on the progress of the negotiations related to the renewal of the Transportable Pressure Equipment directive (TPED). In summary, the 'new' TPED no longer carries technical requirements (these have been moved to the ADR/RID frameworks) and a full merge with the PED is no longer considered to be

viable. However, the situation with regard to breathing apparatus has still to be resolved.

Trade talks with China were also reported on at the meeting; BERR is keenly aware that the Chinese economy is quickly becoming a major global force – both as a producer and consumer of pressure equipment - and BERR continues to play an active role in these negotiations. Fuller details can be obtained upon request.

One part of the meeting covered issues of concern raised by Sweden over a series recently harmonised standards; EN3-8 and EN3-9 that cover requirements for portable fire extinguishers. The matter has now been formally referred to the 98/34 committee for the Commission to be able to reach a view. In the interim, publication in the Official Journal has been delayed. In effect, this means that whilst the standards have been harmonised, there can be no presumption of conformity with 97/23/EC. BERR is keen to hear from any UK stakeholders who may have been impacted upon in order to inform what actions we may take on your behalf.

The meeting was an opportunity to meet the Commission's new 'desk officer' for the PED – Hans D'Hooge – and I'm sure that you'll join me in offering what support we can whilst he is finding his feet in this complex legislative area. It was also announced that Reinhard Klein would be moving to another section at the end of 2007. This means that every member of the Commission PED team has changed during 2007 and this will hopefully indicate the beginning of a period of change in practices, culminating in renegotiation and 'smarter' implementation of any new legislation. Such moves fit into BERR's role covering regulatory reform and reducing administrative burden wherever possible.

You may also wish to note that a new procedure has now been adopted for dealing with proposed Guidelines. In effect, when there is insufficient business to warrant a face-to-face meeting of Working Party Guidelines (WPG), a written consultation process will take place. BERR supports this new system as one that is a better use of resource (including our WPG delegate's time) and will hopefully herald a review of the Guidelines procedure. Additionally, I can envisage that the level of business for WGP will drop in preparation for any future renegotiation.

You will also note that changes have been made to Guidelines 1/45 & 4/12.

It was also announced at the meeting that, following a realisation that there appeared to be some discrepancies between the versions of Guidelines on the CIRCA system and the Europa website, the 'master' copy of the Guidelines is considered to be held on the CIRCA system. Whilst the Commission undertook to rectify any mistakes, I believe that this matter underlines the need for all interested stakeholders to register on the CIRCA system. Details on how to do so can be found at:

http://circa.europa.eu/Public/irc/ida/ircforum/library?l=/training_package/overviewsbrochuresfaq/circa_basic_guidepdf_1/ EN 1.0 &a=d

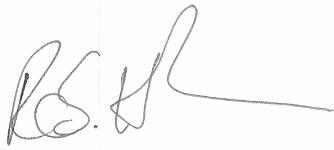
Registration will also allow you to access the papers for both WGP and WPG, thus allowing you to become aware of and contribute towards issues as and when they happen.

The Administrative Cooperation group (ADCO) did not meet in the second half of the year and we are waiting to hear details of the next meeting.

The next meeting of the Working Group is due to take place in June 2008.

I wish to conclude by thanking you all for your various inputs into the team's work over 2007 and wish you all a prosperous and peaceful 2008.

Regards

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

RICK HOLYOMES
Senior Policy Adviser

ATEX, Pressure Equipment and Simple Pressure Vessel Directives Team
Sustainable Development and Regulation Directorate

BERR Report of Working Group Pressure (WGP) – 7th December 2007

1. Opening

The Head of Section, Reinhard Klein, welcomed attendees and introduced Hans D'Hooge. Mr Klein also confirmed that he will be moving to another unit at the end of 2007.

2. Adoption of the Agenda

The agenda was adopted, with minor amendments to the running order and the addition of items under AOB from UK and GER.

3. Notes of the last WGP meeting

The note of the last meeting was adopted following 2 minor editorial comments UK and FRA.

4. Working Party Guidelines (WPG)

There were two Guidelines for discussion:

- **4/12:** CION confirmed that a written consultation on Guideline 4/12, with a two-week deadline for comments, had taken place. Following a short discussion which included grammatical changes, an amended Guideline 4/12 was accepted.
- **1/45:** CION introduced and explained the reasons for the revision of this Guideline i.e. there were concerns over mobile air-conditioning units for use in vehicles. Following discussion, an amended Guideline was accepted.

During the process of consulting on 4/12, a further consultation on the use of written procedures was also carried out. As no comments were received on the use of written consultations, it was agreed that WPG accepted this methodology for future use.

5. Development of European Pressure Equipment Legislation: feedback from the Commission

5.1 General Introduction and Information

CION introduced this item, provided background and confirmed that a revision of the PED was not included in the Commission work plan for 2008. Further, as the Commission and European Parliament were due to change in 2009, and the normal procedure was not to have any legislative commitments on the new Commission and Parliament, it was confirmed that the earliest that any PED review can now take place was 2010. CION confirmed that several of the older pressure sectoral Directives would be repealed and any relevant remnants of which would be integrated into the revised TPED.

5.2 Revision of Directive 99/36/EC on Transportable Pressure Equipment

DG TREN presented this item concerning the revision of the TPED and explained that preparations for the revision had been completed. A 'first version' of the new TPED had been sent to an Ad Hoc committee, with a 'second version' due by January 2008. It was also stated that:

- a merger with the PED was now out of the question;
- aerosols continued to be excluded from the TPED;
- Pi (II) marking would be maintained;
- gas cartridges would remain in scope;
- it was not clear how breathing cylinders would be covered and by which directive; and
- the TPED would no longer carry technical requirements as they would be covered by the ADR/RID frameworks.

The presentation was followed by a lengthy discussion which included comments on: provisions within ADR/RID for valves with old certificates; a call for a meeting to discuss the specific issue of moving breathing cylinders out of the PED and into TPED; whether breathing apparatus was covered by TPED, PED or PPE; and problems related to the periodic in-service inspection of breathing cylinders which is not a provision within the PED.

6. Exchange of Technical Views regarding formal objections against Harmonised Standards

CION introduced this item by stating:

- following the receipt of an objection to a harmonised standard from SWE, paper PE-06-04 had been produced which proposed the creation of WP6;
- CION believed that there was sufficient reason to prevent the publication of the standards in the Official Journal, thus preventing a resumption of conformity taking place; and
- CION made decisions based on the findings of the 98/34 committee.

Following CION's presentation, SWE gave a summary of the reasons for their objections. An extensive discussion ensued, where the need for urgency to resolve these objections was stressed by ORGALIME and CION urged SWE to work closely with the Swedish Standards Institute to help resolve the objections.

7. Status - reports

7.1 Trade relations in the pressure equipment sector

7.1.1 EU-China Regulatory dialogue meeting

CION reported that the 4th annual dialogue meeting had taken place on 19 October 2007. The meeting covered issues related to: regulatory developments; boilers; oil & gas burners; TBT notifications on CIRCA; the opening of the CSEI licensing office in Frankfurt; and standards. The next meeting is scheduled for autumn 2008 (Brussels) when the agenda will include: regulations; market surveillance; conformity assessment; standards

and energy saving boilers. The short notice of the last meeting was pointed out as unhelpful and CION was called on to give more notice in future.

7.2 Study on competitiveness of the Pressure Equipment market

Professor Maile gave a presentation on this study following which CION called for interested stakeholders to contact the Commission directly should they wish to participate. UK asked that the questionnaire be uploaded to CIRCA to forewarn Member States, so they can deal with any queries from stakeholders about its validity.

7.3 Analysis of Survey on in-service regulations in Member States

Professor Maile also presented this item following which both GER and UK queried the legal basis for undertaking the survey and asked what CION intended to do with the results. CION explained that this survey had grown from internal work.

7.4 Reports from CEN

7.4.1 General

CEN reported that:

- there were currently 240 harmonised standards for PED and 19 for SPVD;
- 76 projects leading to standards under development for PED and 3 for SPVD;
- a new edition of EN 13445 was due in 2008 that incorporated a number of amendments and corrections; and
- a call for experts for EN 12952 and 12953 had been issued.

7.4.2 Chinese Standards Comparison

EN13445 had been translated into Chinese and, following face to face discussions, both welding and NDT standards had been identified for future discussion.

7.4.3 EU-US report on material testing for pressure purposes

Following the meeting in October, a joint ASME/CEN publication was due to be issued in the near future.

7.5 Report from the Conformity Assessment Bodies Forum

The report of the 6/7 November 2007 meeting was due shortly.

7.6 Report from European Committee of User Inspectorates

Mr Tooby gave a presentation on User Inspectorates.

8. Further Items for Information

This item concerned a CION update on the Aerosol Dispensers Directive; a text had put before the European Parliament but, as yet, no date for a vote had been confirmed.

9. Any Other Business

1. UK raised the issue of how the PED groups meet and conduct their work. UK stressed that, given that it was now clear that a review of the PED would

not take place for at least 2 years, the time could be best spent conducting an appraisal of the ways in which the WGP and WPG worked. UK asked some fundamental questions and made points that on how business was conducted that included: why there was no formally constituted Standing Committee; querying the status of the Guidelines; matters relating to the ease of use of the Guidelines; and the discussion of items at WGP which are outside of the group's remit. The UK formally requested that CION refrained from publishing personal details of attendees via CIRCA on the attendance list. CION agreed to recommend to the replacement Section Head that a formal Standing Committee be instituted and invited MS to forward further comments for consideration;

2. GER pointed out that there are two differing versions of Guidelines (one on the CIRCA site and the other on the Europa PED site) and asked which one is correct. CION confirmed that the CIRCA version was the correct one and agreed to undertake a comparative analysis to correct the differences.
3. GER also raised the issue of differing entries on the NANDO database and a short discussion followed concerning the varying forms of notifications for Notified Bodies which carry out the same functions. UK supported a harmonisation of NANDO entries to prevent any one Notified Body gaining advantage over the other. CION called on Member States to review NANDO entries and to amend any incorrect entries.

10. Next WGP meeting

COM reported that the next WGP meeting would be in summer 2008 and may take place in Luxembourg due to difficulties of securing meeting space in Brussels.

Denis Clarke
December 2007