

PED Stakeholders

2 November 2009

Dear PED Stakeholder,

PED Stakeholder report – November 2009

As you can see from the letterhead, the Department has been renamed and is now called the Department for Business, Innovation and Skills (BIS). You may wish to note that this has led to a small change in our email addresses to firstname.lastname@bis.gsi.gov.uk – the BERR addresses will still work for a short time, but you might like to take the opportunity to change your address books now to avoid possible lost emails in the future. Telephone numbers and other contact details remain unchanged.

Since my last report in March, I have attended a Pressure Working Party on Guidance (WPG) meeting on 1 October and a Working Group Pressure (WGP) and ADCO meeting on 26 and 27 October. A report of the WGP meeting is attached as an annex to this report, but I have set out a few headlines from this and the WPG below.

- A paper seeking an opinion from the Commission legal services on whether bottles for breathing apparatus are covered by PED was developed by WPG and approved by WGP. The Commission is hoping for a response in time for the next WGP.
- The introduction of Regulation EC 1272/2008 on the Classification, Labelling and Packaging of Dangerous Substances (CLP) led to a revised guideline 2/39 being developed in the last WPG meeting. PED takes its definitions of dangerous substances from the previous CLP Directive (67/548/EC). The new guidance is short term and advises that manufacturers should continue to reference the previous CLP Directive (67/548/EC) until PED is updated. The new Regulation and 67/548 can be used in parallel under 67/548/EC is repealed in 2015 – PED must be amended before this date.
- The whole Europa website has been updated and simplified. There are no longer any links on the PED guideline pages. The Commission is aware that many found the links useful and is looking at ways of improving usability.

V 1103, 1 Victoria Street, London, SW1H 0ET
<http://www.bis.gov.uk/>

Direct Line +44 (0)20 7215 0158 | Fax +44 (0)20 7215 2635
Enquiries +44 (0)20 7215 5000 | Email andrew.lunnon@berr.gsi.gov.uk

- The Commission is looking at ways to align PED with the New Legislative Framework (NLF) – proposals are expected towards the end of 2010. The PED desk officer has produced a paper outlining the changes that might be needed to PED for alignment and a further paper on SPV is expected shortly.
- The EU/China Working Group meeting on pressure equipment will not go ahead this autumn, in the absence of discussion items from either side. It is expected that there will be further meetings in the Spring and Autumn of next year. We are encouraged to suggest items for the agenda, so please let me know if you have any ideas and I will put them forward.
- The next WPG meeting will take place in January 2010. Further WGP meetings are planned for February/March and September/October next year. A Working Party Materials meeting is also planned before the end of 2009 and is to discuss Particular Material Appraisals – it has been some time since the group last met and the Commission is seeking nominations for membership through Conformity Assessment Bodies.

As ever, if you have any comments or questions, please do get in touch.

Regards,

A.D. Lunnon

Andrew Lunnon
Senior Policy Advisor, Pressure Equipment, Simple Pressure Vessels and ATEX,
Environmental and Technical Regulations Directorate

MEETING OF WORKING GROUP PRESSURE (WGP)

26 October 2009 Brussels

1. Opening

Meeting chaired by Commission Head of Unit, Vincente Leoz Argueles. Hans D'Hooge and Lucia Palmegiani (desk officers for PED) of the Commission were also present. Most Member States were represented, together with Switzerland, CABF, CEN and the European Industrial Gases Association (EIGA). The UK was represented by Andrew Lunnon (BERR).

2. Adoption of the agenda

Adopted.

3. Adoption of minutes of the last WGP meeting

Adopted.

4. Guidelines

The last meeting of WGP had taken place on 1 October.

Breathing apparatus cylinders. The Commission gave an update on the situation with breathing apparatus cylinders and whether they are covered by PED. A paper seeking an opinion from the Commission Legal Services (CLS) was developed by WGP and approved by WGP. Interservice meetings between DG ENTR and DG TREN have taken place and a joint covering letter from the heads of both services was written to accompany the paper, which has been submitted to CLS. The Commission is hoping for a response in time for the next WGP.

Guideline 1/26. Germany had proposed a revised guideline 1/26 on machinery that incorporated pressure equipment. Industry said that the new Machinery Directive entered into force at the end of December, so a quick decision was desirable. There will be a short consultation on CIRCA with automatic adoption at the end if no objections were raised. Comments are required by the end of November.

Revised guideline 2/39 on classification of hazardous substances. The introduction of Regulation EC 1272/2008 on the Classification, Labelling and Packaging of Dangerous Substance (CLP) legislation led to a revised guideline 2/39 being developed in the last WGP meeting. This is short term guidance advising that manufacturers continue to reference previous CLP Directive (67/548/EC) until PED is updated. This must take place before 67/548/EC is repealed in 2015 meaning that it will no longer be able to be used in parallel with the new CLP Regulation. The new guideline was adopted.

PED on Europa Website. The whole Europa website has been updated and simplified. There are no longer any links on the PED guideline pages. This was due to the fact that a link to EURLex is the only way to avoid possible liability risks due to inaccurate transposition of links/texts by contractor. The Commission is aware that the links were useful to many and is considering ways of restoring them.

5. Alignment of PED/SPVD to New Legal Framework (NLF) for the internal market for goods

The Commission representative responsible for NLF gave a presentation on the background to the NLF Regulation and Decision. Proposals for aligning measures for

PED and nine other Directives not currently due for review are hoped to be presented to Parliament and Council by the end of 2010. This could be an aligning measure for all 10 Directives or there might be a measure for each Directive – an Impact Assessment will be produced. There will be public consultation with stakeholders. The Commission produced two documents indicating the changes that might be needed to align PED with NLF. A similar document will follow for SPV.

6. Trade relations in the pressure equipment sector

The Chair reported that the next meeting of the PED WG with China, due in the autumn had been cancelled since no issues for discussion had arisen on either side. There will be two meetings next year, in the spring and autumn. Suggestions for items on market surveillance and trade relations issues were needed.

Status reports

6.1 MAPES Study on competitiveness of the Pressure Equipment market

The Commission had hoped that this study would provide updated information on the pressure equipment market following on from similar work in 1996 (pre-PED). The intention was that the update should cover the European and international markets for stationary and transportable pressure equipment. The project was started in September 2007 but stopped by the Commission in January 2009 before completion. It was decided not to publish the work. The Commission reported that information on the pressure equipment sector was still needed for Impact Assessments, but a new tender is not planned at the moment. Any further work will be less ambitious in its scope.

6.2. Report from CEN

EN 13445 on Unfired pressure vessels – a new edition was published in July and the date of withdrawal (DOW) at national level has been set at 31 December 2009.

EN 13480 on Metallic Industrial Piping - CEN/TC 267 is currently working on the preparation of a new edition of EN 13480 following the procedures used for EN 13445.

EN 12952/12953 on Shell and water-tube boilers - The helpdesk website contains a question submission form and has now published an overview of the answers provided on these two standards. CEN/TC 269 is updating several items in the EN 12952 series but does not plan to publish a consolidated new edition. Work continues with the EN 12953 series.

PED (97/23/EC):

- 184 European standards providing presumption of conformity to essential requirements of the Pressure Equipment Directive (97/23/EC)
- 280 items published in the list of harmonized standards under the PED (i.e. amendments, corrigenda, standards).
- 498 items supporting the Pressure Equipment Directive (this includes supporting standards and their amendments)

SPVD (87/404/EEC):

- 16 European Standards providing presumption of conformity to essential requirements of the Simple Pressure Vessels Directive (87/404/EEC)

- 23 items published in the list of harmonized standards under the SPVD (i.e. amendments, corrigenda, standards).

The Commission is to update the standards lists as soon as possible.

6.3 Report from the Conformity Assessment Bodies Forum

A new contract with the Commission is now in place and covers the next four years. The next CABF meeting will be on 17-18 November and will be looking at NLF, CLP and forged welder certificates. At the last meeting in April, a problem was highlighted with NANDO. The search function was excluding some Notified Bodies due to inconsistent keywords. This is being addressed. A draft document on the assessment of assemblies is being worked on in an ad hoc group; this will also take into account NLF alignment. A guideline on own brand labelling was proposed by Orgalime and is now being discussed in WPG.

7. Any other business

The next WGP meetings are likely to be in Spring and Autumn 2010 (dates tbc). The next WPG will be on 13 January. A WP Materials meeting for is planned before the end of 2009. Since the group has not met for a long time the Commission is to call on CABF for nominations of members for WPM.

Andrew Lunnon
ETRD
November 2009