



The New Legislative Framework & Pressure equipment directives

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31 March 2015

Internal market,
Industry,
Entrepreneurship
and SMEs

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2. Near future – entry into force of new PED and SPVD
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Legislation in force

- Pressure Equipment Directive (PED)
97/23/EC
- Simple Pressure Vessels Directive (SPVD)
2009/105/EC (codification)
- Supported by
 - Guidelines
 - Harmonised standards developed by CEN (EN)
 - Governance structure / stakeholder fora at national and European level: permanent dialogue

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Governance at EU level

- Horizontal framework level: Internal Market For Product (IMP) groups
 - NLF, market surveillance, accreditation/notification
- Sectoral level for each Directive, e.g. PED/SPVD:
 - Working Group Pressure (WGP)
 - Working Party Guidelines (WPG) and Materials (WPM)
 - Professional industry and users associations Orgalime, EIGA, AEGPL, EHI, ECUI, ...
 - CEN, CEN/PE AN, CABF PED/SPVD, EPERC

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Policy context

- Evolution of horizontal framework related to internal market for goods legislation / product safety legislation
- Improve & simplify legislation sectoral legislation
 - evaluation + impact assessment for any legislative proposal
 - Regular evaluation of activities (programs, policies including regulation)
 - For PED: decision to conduct a stock-taking exercise 10 years after the Directive fully entered into force

Evaluation study - Goal

- Evaluate to what extent the Directive achieved its main objectives: free circulation (Internal Market) while maintaining a high level of safety
- Identification of strengths and weaknesses, failures, ...
- Recommendations for possible measures for improvement / simplification
 - *Crucial step in policy development and identifying the need for revision / legal initiative*

Evaluation study - Findings

PED performed well in general

- successfully combined market integration while maintaining the high levels of safety of the former national legislation in the Member States;
- improved functioning of the Internal Market and opened up intra-EU trading opportunities

Evaluation study - Findings

The study also identified some concerns e.g.

- the effectiveness of the New Approach framework in general;
- the presence of non-compliant products placed on the market;
- weaknesses related to Market Surveillance (national competence) and Conformity Assessment Bodies etc.

But all together not enough reasons to start a full revision

Evaluation study – Where to find it ?

- The full report is available on the PED website:
<http://ec.europa.eu/enterprise/sectors/pressure-and-gas/documents/ped/>
- The evaluation report is not identifying some "well-known issues"
 - Why ? Stakeholders didn't raise it in the consultation or the contractor didn't catch it ?
- Future actions will not be solely based on the results of the evaluation study but also on the lessons learned in the day-to-day management of the directive and input from stakeholders.

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New Legislative Framework (NLF)

- to improve the internal market for goods and strengthen the conditions for placing a wide range of products on the EU Market
- a package of measures that aim to improve market surveillance and boost the quality of conformity assessments. It also clarifies the use of CE marking and creates a toolbox of measures for use in product legislation.
- Adopted in 2008



New Legislative Framework (NLF)

- [Regulation \(EC\) 765/2008](#) setting out the requirements for accreditation and the market surveillance of products;
- [Decision 768/2008/EC](#) on a common framework for the marketing of products, which includes reference provisions to be incorporated whenever product legislation is revised , template for future product harmonisation legislation;
- [Regulation \(EC\) 764/2008](#) laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another EU country.



New Legislative Framework (NLF)

- Some measures directly applicable
- Gradually implemented in the directives either
 - via an alignment to the NLF (ATEX, SPVD, lifts, EMC, LVD, pyrotechnics, civil explosives, PED, ...) or
 - via a full revision (Gas appliances, personal protective equipment, cableways, ...)
- To learn more about the NLF:
http://ec.europa.eu/growth/single-market/goods/new-legislative-framework/index_en.htm



NLF & PED and SPVD

- Alignment of SPVD to NLF and PED to NLF and CLP Regulation
- Alignment to the NLF mainly relates to Articles without substantial changes to the scope or Essential Safety Requirements
- Legislative procedure completed in 2014
 - **New PED: 2014/68/EU** (OJ L 189 of 27.06.2014)
 - **New SPVD: 2014/29/EU** (OJ L 96 of 29.03.2014)

New PED and SPVD

- Transposition into national law:
 - **SPVD**: art. 42 (transposition by 19 April 2016)
application as of **20 April 2016**
 - **PED** : art. 49 (transposition by 18 July 2016)
application as of **19 July 2016**
 - **except for Article 13 (related to classification of fluids):
transposition by 28 February 2015, application as of 1 June 2015 !**
- Existing guidelines will be updated where needed

New PED

- **Alignment to the NLF Decision**

[Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82)]

- **Alignment to the CLP Regulation**

[Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).]

- **Matter of urgency !**
- **Required because the legal base for the classification of fluids (Dangerous Substances Directive) in current PED Article 9 will be repealed on 31 May 2015**

New SPVD

- Alignment to the NLF Decision
- Please note impact on the conformity assessment procedures
 - No longer in the articles but in an Annex
 - Based on definition of Modules in the NLF Decision
 - Existing standards need to be updated !

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Focus on better implementation

Focus for the next years on better implementation by means of alignment to NLF and addressing some of the recommendations of the evaluation

- Accreditation / CABs
- Market surveillance
- Standardisation
- Updating / streamlining Guidelines

Preparatory work ... for the future

- Impact assessment study related to scope of Machinery Directive, ATEX and PED for equipment used in offshore oil and gas industries
 - Possible extension of scope of
 - MD, ATEX and PED to mobile off-shore units (Article 1 §3.14)
 - PED to well-control equipment (Article 1 §3.9)
 - Stakeholder consultation in Q2 2015
 - participate if you are concerned – your input is needed
 - Final report: early 2016



Conclusion - longer term perspective

No full revision of the PED is currently planned

- Stable legal framework for stationary pressure equipment for the years to come ...
- But policies are evaluated regularly and external events may influence the process ...
- Revision will anyhow be a lengthy process
 - Requires minimum 3 to 5 years for legislation with such a wide scope and level of complexity
 - evaluation, stakeholder involvement and consultation, impact assessment, drafting legislative proposal, ...
 - legislative process involving the other EU Institutions



Thank you for your attention !

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