

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2009/0131(COD) Directive</p>	Procedure completed
<p>Transportable pressure equipment</p> <p>Repealing Directive 1999/36/EC 1997/0011(SYN) Amended by 2017/0353(COD)</p> <p>Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.20.02 Rail transport: passengers and freight 3.20.04 Inland waterway transport 3.20.05 Road transport: passengers and freight 3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		05/10/2009
		S&D SIMPSON Brian	
		Shadow rapporteur ALDE MEISSNER Gesine Verts/ALE LICHTENBERGER Eva	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3017	31/05/2010
	Transport, Telecommunications and Energy	3001	11/03/2010
European Commission	Commission DG Mobility and Transport	Commissioner KALLAS Siim	

Key events			
18/09/2009	Legislative proposal published	COM(2009)0482	Summary
07/10/2009	Committee referral announced in Parliament, 1st reading		
11/03/2010	Debate in Council	3001	Summary
23/03/2010	Vote in committee, 1st reading		Summary
26/03/2010	Committee report tabled for plenary, 1st reading	A7-0101/2010	
05/05/2010	Results of vote in Parliament		
05/05/2010	Decision by Parliament, 1st reading	T7-0122/2010	Summary
31/05/2010	Act adopted by Council after Parliament's		

	1st reading		
16/06/2010	Final act signed		
16/06/2010	End of procedure in Parliament		
30/06/2010	Final act published in Official Journal		

Technical information

Procedure reference	2009/0131(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 1999/36/EC 1997/0011(SYN) Amended by 2017/0353(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 091-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/01041

Documentation gateway

Legislative proposal	COM(2009)0482	18/09/2009	EC	Summary
Committee draft report	PE438.172	28/01/2010	EP	
Amendments tabled in committee	PE439.298	25/02/2010	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0101/2010	26/03/2010	EP	
Text adopted by Parliament, 1st reading/single reading	T7-0122/2010	05/05/2010	EP	Summary
Draft final act	00014/2010	16/06/2010	CSL	
Commission response to text adopted in plenary	SP(2010)3805	24/06/2010	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Directive 2010/35](#)
[OJ L 165 30.06.2010, p. 0001](#) Summary
Final legislative act with provisions for delegated acts

Transportable pressure equipment

PURPOSE: to set out detailed rules concerning transportable pressure equipment to enhance safety and ensure free movement of such equipment within the Community.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: the transport of pressure equipment, e. g. tanks, receptacles, drums and cylinders, constitutes an important area of the transport of dangerous goods.

Council Directive 1999/36/EC ensures a high level of transport safety for transportable pressure equipment whilst allowing their free movement and use on the European transport market through common norms for their design, construction and subsequent checks. For the technical requirements, the existing Directive 1999/36/EC refers to Directives 94/55/EC and 96/49/EC, which have been repealed by Directive 2008/68/EC with effect of 1 July 2009. Directive 2008/68/EC incorporates into Community legislation the requirements contained in international agreements on transport of dangerous goods by road (ADR: European Agreement concerning the International Carriage of Dangerous Goods by Road), rail (RID: Regulations concerning the International Carriage of Dangerous Goods by Rail) and inland waterways (ADN: European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways).

As a result of these recent legislative developments, which in turn reflect technical developments over the last 10 years, the EU rules have become complicated and difficult to understand. In addition, on a number of technical issues the interplay between European and international rules will lead to certain contradictions which would make their application even more difficult. The second key objective of the proposal concerns the use of the equipment itself for transport operations in the internal market.

In view of these facts it is necessary to revise Directive 1999/36/EC.

CONTENT: this proposed Directive sets out detailed rules concerning transportable pressure equipment to enhance safety and ensure free movement of such equipment within the Community. It defines a number of terms regarding transportable pressure equipment, actors and measures guaranteeing the safety of the equipment and its use on the internal market.

The need for simplification and clarification is the main reason for the Commission to propose this revision. Neither the scope, nor the measures of the existing Directive will be changed in any substantial way. This also results in minimal budgetary and other economic impacts on administration and operators.

As for the technical provisions, a central simplification objective is to remove conflicting issues between the existing Directive on Transportable Pressure Equipment and international rules on the transport of dangerous goods, in particular since these rules have already been extended to Community legislation through Directive 2008/68/EC.

The proposal simplifies existing provisions, in particular those relating to the modules on conformity assessment procedures. This dimension will be substantially streamlined and simplified in the proposal, which makes reference to the relevant international agreements. The technical rules and administrative procedures are more consistently presented in one source, i.e. in the international agreements.

The proposed Directive focuses on those issues that can be treated satisfactorily only through European legislation.

As for making the equipment required for transport operations available on the market, the

Community has recently adopted rules relating to the marketing of products on the EU single market ("New Legislative Framework") which should, wherever possible, be applied across all industrial sectors (see [COD/2007/0029](#) and [COD/2007/0030](#)). By incorporating these rules into the proposal for the specific sector of transportable pressure equipment the Commission will help to simplify the rules by not creating different, sector-specific rules where the general rules would serve the purpose.

BUDGETARY IMPLICATIONS: given that the provisions of the existing Directive on transportable pressure equipment are already implemented, any further budgetary implications will be minor.

Transportable pressure equipment

Pending the European Parliament's position at first reading, the Council reached a general approach on the draft directive on transportable pressure equipment ([doc. 6856/10](#)).

However, the issue of the procedural provisions on delegation of powers to the Commission for implementing acts is still open and will be further discussed during the negotiations with the European Parliament on the text.

The draft legislation is a revision of Directive 1999/36/EC on the same subject. The Directive was adopted in order to enhance transport safety for such equipment and to ensure its free movement in a single transport market. The text contains rules on the obligations of the different economic operators, the conformity of the equipment, and inspection and monitoring bodies and their mutual recognition.

The purpose of the revision is to update and streamline the provisions of the 1999 Directive in the light of recent EU and international legislative developments, in particular Directive 2008/68/EC on the inland transport of dangerous goods as well as Regulation (EC) 765/2008 and Decision 768/2008/EC, which set the framework for the marketing of products in the single European market. The revision will eliminate conflicting rules and simplify the regulatory framework, especially as regards conformity assessment procedures, without substantially modifying the scope or measures provided for by the existing directive. As a consequence of this revision, several directives relating to pressure equipment will be repealed.

The Council intends to reach an early agreement with the European Parliament so that the two institutions can adopt the text at first reading.

Transportable pressure equipment

The Committee on Transport and Tourism adopted the report by Brian Simpson (S&D, UK) on the proposal for a directive of the European Parliament and of the Council on transportable pressure equipment.

It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission proposal as follows:

- an amendment specifying that transportable pressure equipment shall be understood as including gas cartridges (UN No. 2037) and

excluding aerosols (UN No. 1950), open cryogenic receptacles, gas cylinders for breathing apparatus, fire extinguishers (UN No. 1044), transportable pressure equipment exempted according to 1.1.3.2 of the Annexes to Directive 2008/68/EC and transportable pressure equipment exempted from the rules for construction and testing of packaging according to special provisions in 3.3 of the Annexes to Directive 2008/68/EC;

- periodic inspections, intermediate inspections and exceptional checks of transportable pressure equipment should be carried out in accordance with the Annexes to Directive 2008/68/EC and with this Directive to ensure continued compliance with their safety requirements;
- according to the Members, this Directive should not apply to transportable pressure equipment which was placed on the market before the date of implementation of Directive 1999/36/EC and which has not been subject to reassessment of conformity;
- if existing transportable pressure equipment not previously assessed for conformity with Directive 1999/36/EC is to benefit from free movement and free use, it should be subject to reassessment of conformity;
- Members propose a new recital which calls on the Commission to draw up specific guidelines to facilitate the practical implementation of the technical provisions of this Directive;
- lastly, as far as the new provisions on comitology are concerned, Members introduced modifications which aim at preserving Parliament's prerogatives and meeting its procedural requirements as regards both the revocation of the delegation of powers to the Commission and objections to delegated acts.

Transportable pressure equipment

The European Parliament Committee adopted by 602 votes to 1, with 15 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on transportable pressure equipment.

It adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are a result of a compromise reached between European Parliament, the Council and the Commission.

They amend the Commission's proposal as follows:

- the compromise specifies that transportable pressure equipment shall be understood as including gas cartridges (UN No. 2037) and excluding aerosols (UN No. 1950), open cryogenic receptacles, gas cylinders for breathing apparatus, fire extinguishers (UN No. 1044), transportable pressure equipment exempted according to 1.1.3.2 of the Annexes to Directive 2008/68/EC and transportable pressure equipment exempted from the rules for construction and testing of packaging according to special provisions in 3.3 of the Annexes to Directive 2008/68/EC;
- periodic inspections, intermediate inspections and exceptional checks of transportable pressure equipment should be carried out in accordance with the Annexes to Directive 2008/68/EC and with this Directive to ensure continued compliance with their safety requirements;
- this Directive should not apply to transportable pressure equipment which was placed on the market before the date of implementation of Directive 1999/36/EC and which has not been subject to reassessment of conformity;
- if existing transportable pressure equipment not previously assessed for conformity with Directive 1999/36/EC is to benefit from free movement and free use, it should be subject to reassessment of conformity;
- the equipment shall be subject to periodic inspections, intermediate inspections and exceptional checks in accordance with the Annexes to Directive 2008/68/EC;
- where existing transportable pressure equipment not previously assessed for conformity with Directive 1999/36/EC is to benefit from free movement and free use, it should be subject to reassessment of conformity;
- measures relating to owners shall not apply to private individuals intending to use or using transportable pressure equipment for their personal or domestic use or for their leisure or sporting activities;
- **economic operators shall, on request from the market surveillance authority, identify the following to it for a period of at least 10 years: (a) any economic operator who has supplied them with transportable pressure equipment; (b) any economic operator to whom they have supplied transportable pressure equipment;**
- certificates of conformity assessment and certificates of reassessment of conformity and reports of periodic inspections, intermediate inspections and exceptional checks issued by a notified body shall be valid in all Member States;
- the Pi marking shall be affixed before the new transportable pressure equipment or demountable parts of refillable transportable pressure equipment having a direct safety function are placed on the market. It shall be followed by the identification number of the notified body involved in the initial inspections and tests. The marking of the date of the periodic inspection or, where appropriate, the intermediate inspection shall be accompanied by the identification number of the notified body responsible for the periodic inspection;
- Members propose a new recital which calls on the Commission to draw up specific guidelines to facilitate the practical implementation of the technical provisions of this Directive;
- lastly, as far as the new provisions on comitology are concerned, Members introduced modifications which aim at preserving Parliament's prerogatives and meeting its procedural requirements as regards both the revocation of the delegation of powers to the Commission and objections to delegated acts.

Transportable pressure equipment

PURPOSE: to set out detailed rules concerning transportable pressure equipment to enhance safety and ensure free movement of such equipment within the Union.

LEGISLATIVE ACT: Directive 2010/35/EU of the European Parliament and of the Council on transportable pressure equipment and repealing

Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC.

CONTENT: this Directive updates and streamlines the provisions of a 1999 directive on transportable pressure equipment, aimed at enhancing transport safety for such equipment and ensuring its free movement in a single transport market. This revision eliminates conflicting rules and simplifies the regulatory framework, especially as regards conformity assessment procedures, without substantially modifying the scope or measures provided for by the 1999 directive. As a consequence of the revision, several directives relating to pressure equipment are repealed.

In order not to hinder transport operations between Member States and third countries, the Directive does not apply to transportable pressure equipment exclusively used for the transport of dangerous goods between the territory of the Union and that of third countries.

The text contains rules on the obligations of the different economic operators, the conformity of the equipment, and inspection and monitoring bodies and their mutual recognition.

Scope: transportable pressure equipment shall be understood as including gas cartridges (UN No. 2037) and excluding aerosols (UN No. 1950), open cryogenic receptacles, gas cylinders for breathing apparatus, fire extinguishers (UN No. 1044), transportable pressure equipment exempted according to 1.1.3.2 of the Annexes to Directive 2008/68/EC and transportable pressure equipment exempted from the rules for construction and testing of packaging according to special provisions in 3.3 of the Annexes to Directive 2008/68/EC;

Economic operators: economic operators will, in relation to their respective roles in the supply chain, be responsible for the compliance of transportable pressure equipment with the safety and market access rules.

Conformity assessment: compliance of new transportable pressure equipment with the technical requirements of the Annexes to Directive 2008/68/EC and this Directive will be demonstrated by means of a conformity assessment to provide evidence that the transportable pressure equipment is safe.

Pi marking: transportable pressure equipment must bear a mark indicating its compliance with Directive 2008/68/EC and this Directive to ensure its free movement. The Pi marking shall be affixed before the new transportable pressure equipment or demountable parts of refillable transportable pressure equipment having a direct safety function are placed on the market. It shall be followed by the identification number of the notified body involved in the initial inspections and tests. The marking of the date of the periodic inspection or, where appropriate, the intermediate inspection shall be accompanied by the identification number of the notified body responsible for the periodic inspection;

Inspections: periodic inspections, intermediate inspections and exceptional checks of transportable pressure equipment will be carried out in accordance with the Annexes to Directive 2008/68/EC and with this Directive to ensure continued compliance with their safety requirements.

Conformity reassessment: where existing transportable pressure equipment not previously assessed for conformity with Directive 1999/36/EC is to benefit from free movement and free use, it is subject to reassessment of conformity.

Notified bodies: the conformity assessment procedures provided for in the Annexes to Directive 2008/68/EC and in this Directive require the intervention of inspection bodies setting out detailed operational requirements to ensure a uniform level of performance throughout the Union. These inspection bodies should then be notified by the Member States to the Commission.

Notifying authorities: Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment, notification and subsequent monitoring of notified bodies. The notifying authority should retain responsibility for monitoring the notified body regardless of where the notified body performs its activities in order to ensure clear responsibility for ongoing monitoring.

Mutual recognition: the Directive lays down common rules for the mutual recognition of notified bodies which ensure compliance with Directive 2008/68/EC and this Directive. Those common rules will have the effect of eliminating unnecessary costs and administrative procedures related to the approval of the equipment and of eliminating technical barriers to trade.

ENTRY INTO FORCE: 20/07/2010.

TRANSPOSITION: 30/06/2011. Member States shall ensure that Article 21(2)(d) (accreditation certificates on applications for notification) applies with effect from 01/01/2012. All Member States provisions must apply to pressure receptacles, their valves and other accessories used for the carriage of UN No 1745, UN No 1746 and UN No 2495 from 01/07/2013.