



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed 1993/0462(COD)
Pressure equipment: harmonisation of essential safety requirements Amended by 2011/0150(COD) Repealed by 2013/0221(COD)	
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.40.08 Mechanical engineering, machine-tool industry	

Key players			
European Parliament	Former committee responsible		
	ECON Economic and Monetary Affairs, Industrial Policy		24/04/1996
		PSE MEIER Erhard	
Council of the European Union	Council configuration	Meeting	Date
	Social Affairs	1999	17/04/1997
	Social Affairs	1914	29/03/1996
	Competitiveness (Internal Market, Industry, Research and Space)	1886	23/11/1995

Key events			
13/09/1993	Committee referral announced in Parliament, 1st reading		
15/03/1994	Vote in committee, 1st reading		Summary
15/03/1994	Committee report tabled for plenary, 1st reading	A3-0146/1994	
18/04/1994	Debate in Parliament		
19/04/1994	Decision by Parliament, 1st reading	T3-0215/1994	Summary
18/04/1996	Committee referral announced in Parliament, 2nd reading		
26/06/1996	Vote in committee, 2nd reading		Summary
16/07/1996	Debate in Parliament		Summary
17/07/1996	Decision by Parliament, 2nd reading	T4-0397/1996	Summary
21/10/1996	Parliament's amendments rejected by Council		
04/02/1997	Formal meeting of Conciliation Committee		
04/02/1997	Final decision by Conciliation Committee		
17/04/1997	Decision by Council, 3rd reading		

24/04/1997	Decision by Parliament, 3rd reading	T4-0193/1997	Summary
29/05/1997	Final act signed		
29/05/1997	End of procedure in Parliament		
09/07/1997	Final act published in Official Journal		

Technical information

Procedure reference	1993/0462(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by 2011/0150(COD) Repealed by 2013/0221(COD)
Legal basis	EC before Amsterdam E 100A
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/08338

Documentation gateway

Legislative proposal	COM(1993)0319 OJ C 246 09.09.1993, p. 0001	14/07/1993	EC	Summary
Reconsultation	COM(1993)0570	10/11/1993	EC	
Economic and Social Committee: opinion, report	CES1303/1993 OJ C 052 19.02.1994, p. 0010	21/12/1993	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A3-0146/1994 OJ C 128 09.05.1994, p. 0006	15/03/1994	EP	
Text adopted by Parliament, 1st reading/single reading	T3-0215/1994 OJ C 128 09.05.1994, p. 0035-0061	19/04/1994	EP	Summary
Committee draft report	PE207.390	29/04/1994	EP	
Modified legislative proposal	COM(1994)0278 OJ C 207 27.07.1994, p. 0005	30/06/1994	EC	Summary
Council position	12095/2/1995 OJ C 147 21.05.1996, p. 0001	29/03/1996	CSL	Summary
Commission communication on Council's position	SEC(1996)0317	15/04/1996	EC	Summary
Committee draft report	PE217.517	06/06/1996	EP	
Committee recommendation tabled for plenary, 2nd reading	A4-0217/1996 OJ C 211 22.07.1996, p. 0003	26/06/1996	EP	
Text adopted by Parliament, 2nd reading	T4-0397/1996 OJ C 261 09.09.1996, p. 0050-0068	17/07/1996	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1996)0445	19/09/1996	EC	Summary

Joint text approved by Conciliation Committee co-chairs	3603/1997	18/03/1997	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A4-0129/1997 OJ C 150 19.05.1997, p. 0003	15/04/1997	EP	
Text adopted by Parliament, 3rd reading	T4-0193/1997 OJ C 150 19.05.1997, p. 0013-0021	24/04/1997	EP	Summary
Follow-up document	COM(2006)0106	10/03/2006	EC	Summary
Follow-up document	COM(2006)0109	10/03/2006	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 1997/23](#)
[OJ L 181 09.07.1997, p. 0001](#) Summary

Pressure equipment: harmonisation of essential safety requirements

1) OBJECTIVE To ensure the free movement of pressure equipment within the Community market by harmonizing the national safety and health protection requirements to which they are subject. 2) CONTENTS 1. This proposal for a Directive concerns pressure equipment subject to a pressure greater than 0.5 bar (or less than 0.5 bar). Pressure equipment intended for the transport of dangerous goods is not covered by the proposal. 2. The proposal determines the objectives or "essential requirements" which the abovementioned equipment must satisfy at the time of manufacture and before they are placed on the market; these requirements replace the corresponding national provisions. 3. Council Directive 76/767/EEC (Official Journal L 262, 27.09.1976) shall be repealed as from 1 July 1996, except as regards the application of Directives 84/525/EEC, 84/526/EEC and 84/527/EEC. 4. Harmonized European standards are drawn up on the basis of essential requirements by European standardization bodies. These standards, which are not compulsory, are published in the Official Journal of the European Communities. 5. Procedures for the testing of pressure equipment for conformity with the essential requirements are based on the modular approach set out in Council Decision 93/465/EEC. Conformity assessment is carried out by bodies designated by the Member States in accordance with minimum assessment criteria and communicated to the Commission and the other Member States. 6. The assessment procedures depend on the risk inherent in the pressure equipment. Each category of pressure equipment is covered by an appropriate procedure or offers the choice between various equally stringent procedures. 7. The manufacturer shall be solely responsible for establishing the conformity of equipment presenting minor risks. 8. Member States may authorize users to perform certain defined tasks in the assessment of conformity under this proposal for a Directive. 9. Before being placed on the market, pressure equipment must bear the EC conformity marking which: * shall consist of: * the distinctive "EC" initials; * the identification number of the body involved in the production control phase; * indicates its conformity with the provisions of this proposal and of the other relevant Directives concerning affixation of the EC marking; * shall not be affixed on equipment presenting a minor pressure risk. 10. Any other mark may be affixed on this equipment unless it risks being confused with the EC marking. 11. Penalties adopted by the Member States in cases where the latter or notified bodies establish that the EC marking has been affixed unduly. 12. Transitional period until 1 July 1999 during which the Member States shall authorize the placing on the market and/or putting into service of pressure equipment which complies with the regulations in force on their territory at the date of adoption of this Directive. Source : European Commission - Info92 - 02/96

Pressure equipment: harmonisation of essential safety requirements

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Pressure equipment: harmonisation of essential safety requirements

The committee adopted the report by Mr CHRISTIANSEN (NI, DK). The rapporteur's amendments aimed in particular to remove from the directive the exemptions provided for in the initial text for equipment used to transport dangerous products, military equipment and equipment designed for nuclear applications. ?

Pressure equipment: harmonisation of essential safety requirements

In adopting the report by Mr Ejner CHRISTIANSEN (NI, DK), Parliament approved as a whole the Commission directive on the harmonisation

of the laws of the Member States concerning pressure equipment. The directive laid down the essential requirements relating to safety, public health and hygiene and other social aspects that could affect humans, animals and goods, without however lowering the protection levels established by the Member States. Nonetheless, it asked for the directive on simple pressure vessels and the directive on aerosols to be incorporated into this directive. Parliament called for the directive to be applied to the design, manufacture and conformity assessment of pressure equipment subject to an allowable pressure greater than 0.5 bar (the Commission hoped that it would also apply to equipment with a pressure below 0.5 bar). It also called for stricter limits for gas mains. Finally, in order to ensure unified application of the directive in all countries, it called for the establishment of a permanent advisory committee consisting of technical experts who would be exclusively responsible for the issue of pressure equipment. ?

Pressure equipment: harmonisation of essential safety requirements

The amended Commission proposal incorporated the amendments of the European Parliament concerning: - the need to explain as clearly as possible the requirements set out in the annexes in order to enable all users, including SMEs, to comply with them easily; - the exclusion from the scope of the directive of pressure equipment designed to hold non-dangerous fluids (the directive would apply to the design, manufacture and conformity assessment of pressure equipment with a maximum allowable pressure of 0.5 bar, when it was designed to hold dangerous fluids); - improvements to the list of technical requirements, providing greater clarity or a higher level of safety; - the responsibilities of the competent authorities of the Member States, with a view to ensuring the protection of persons at exhibitions; - the removal of the possibility of referring to national standards in cases where there were no harmonised standards; - the harmonisation of the requirements relating to the user inspectorates with the requirements that applied to notified bodies, which should in fact be the same. However, the Commission did not accept the amendments concerning: - the incorporation of Directive 87/404/EEC relating to simple pressure vessels in the directive on pressure equipment; - the definition of accessories; - the inclusion of military equipment, equipment designed for nuclear applications, equipment used to extract oil or gas and pressure equipment used to transport dangerous products; - the clarification that the measures on the protection of workers should not result in any obstacles to trade; - the establishment of a special committee composed of technical experts; - an additional call to use harmonised standards; - the information to be provided in the context of restriction or refusal procedures; - the increase in restrictive measures. ?

Pressure equipment: harmonisation of essential safety requirements

The Council made some substantial changes to the Commission proposal as amended by Parliament. The Common Position basically incorporates the amendments adopted by Parliament at first reading, particularly the amendment to make the Directive applicable to the design, manufacture and conformity assessment of pressure equipment subject to an allowable pressure greater than 0.5 bar. Parliament's amendments which were not accepted by the Commission were not incorporated. The Council's main changes concern the following points: - some types of equipment other than those initially listed have been excluded from the field of application of the directive: . category I equipment, where the risk associated with pressure is already covered by other directives: 95/16/EEC (lifts), 73/23/EEC (low voltage), 93/42/EEC (medical devices), 94/9/EEC (equipment used in an explosive atmosphere); . radiators and pipes for hot water heating systems; . receptacles for liquids with a gas pressure above the liquid not exceeding 0.5 bar - Annex II (classification): only two groups of liquids (instead of three) were included and four categories of equipment defined; - Annex III (certification): . modules A1, A2, C1 and C2 were incorporated into modules A1 and C1; modules D1, E1, B1 and H were added to provide certification procedures for medium-risk equipment; the modules for assemblies, FA and DA, were replaced by a 'global procedure'; . in addition, the manufacturer may choose to apply one of the certification procedures for a higher category than that in which the equipment is classified; . exceptions to the rules on application of certification procedures were included for specific types of equipment (pressure cookers, containers and piping containing unstable gases, portable extinguishers, assemblies for hot water production). - European approval of materials: a new article allows the use of appropriate material for the manufacture of certain types of pressure equipment not included in the harmonized rules. It provides for an approval procedure involving specifically designated notified bodies as well as the Member States and the Commission; - recognized third parties: the conditions for designating third parties to carry out certain functions at Community level were established, particularly with regard to their technical competence; - user inspection service: provision is made for the Member States still to be able to choose whether or not to recognize conformity assessments carried out by user inspection services; - essential requirements: a new article lays down the essential requirements for certain cases, giving the safety figures which are generally applied; - comitology: the Council has delegated to the Commission competence to amend the directive with regard to reclassification of pressure equipment (consultative committee). ?

Pressure equipment: harmonisation of essential safety requirements

The Commission felt that the Council's amendment improved and clarified the text while respecting the general approach. It therefore supported the common position. As far as the Commission was concerned, the provisions concerning classification and certification simplified the text and improved the cost-benefit effectiveness of certification. Furthermore, the Commission supported Article 14 (user inspectorates) where accompanied by guarantees: harmonisation of designation conditions and implementation procedures; clarity with regard to the effects in terms of free movement; monitoring of the effects of this article by the Commission. ?

Pressure equipment: harmonisation of essential safety requirements

The committee adopted the Mr Erhard MEIER's draft recommendation for a second reading.?

Pressure equipment: harmonisation of essential safety requirements

The rapporteur, Mr Meier (PSE, A), recommended the approval of the common position of the Council, as modified by the 15 amendments

tabled. For his part, Commissioner Bangemann was in favour of Amendments Nos 1-7, 9, 11, 12, 14 and 15, since they served to improve and clarify the text. However, Amendments Nos 8, 10, 13 and 17 were to be rejected, especially No 8, which provided for the intervention of an independent third party, something that was not in accordance with the current directive concerning the procedure for assessing compliance, and No 10, which concerned the use of harmonised standards and the presentation of a special report, which was considered unnecessary.

Pressure equipment: harmonisation of essential safety requirements

In adopting the recommendation for second reading by Mr Erhard MEIER (PSE, A), Parliament approved the common position of the Council with a series of amendments aimed at strengthening safety standards for pressure equipment. In particular, Parliament requested that : - certain equipment, subject to a pressure higher than 0.5 bar but not currently covered by the Directive, should be regularly reviewed in order to ascertain whether it is necessary to draw up rules at Union level, - three years after the Directive enters into force, a review should be carried out in order to ascertain the need for the integration of simple pressure vessels into the Directive. At the same time, Parliament provided clarification concerning piping and water supply networks. In relation to conformity assessment, Parliament requested that, in the case of equipment in (the most dangerous) categories III and IV, the inspection should be carried out by a third party independent of the designer/manufacturer. Furthermore, where the pressure equipment is not manufactured in accordance with the standards laid down by the Directive or is composed of materials not specifically referred to and in respect of which no harmonised standards are applied, Parliament called on the manufacturer to demonstrate that appropriate measures had been taken to achieve an equivalent overall level of safety. It also called for increased cooperation between Member States in order to ensure compliance with the provisions of the Directive. In relation to committee, Parliament urged that the Commission be assisted by the committee set up pursuant to Directive 83/189/EEC in all matters of standardization, and composed of technical experts. More generally, Parliament emphasised that the Directive should be directed towards a high degree of health and safety protection. ?

Pressure equipment: harmonisation of essential safety requirements

The Commission amended its proposal on pressure equipment, incorporating 12 of the 14 amendments adopted by the European Parliament at second reading. These amendments mainly seek to: - clarify which equipment is excluded from the field of application of the directive and emphasize that the free movement of these products must be guaranteed in future if present measures prove to be inadequate; - include a declaration by the Commission in the Council minutes making provision to examine the need to integrate Directive 87/404/EEC into the directive on pressure equipment in the light of the experience acquired; - insist on the need for the committee set up under Directive 83/189/EEC to obtain, if necessary, the advice of technical experts; - clarify the text with regard to certification procedures, scope and the obligation for manufacturers to supply proof of compliance with the directive; - require Member States to establish safety rules to be complied with at trade fairs; - encourage cooperation between Member States with regard to market supervision; - emphasize that fundamental requirements are open-ended; - strengthen a fundamental requirement with regard to the risk of overheating. However, the Commission was unable to incorporate amendments which required: - controls of category III and IV pressure equipment to be carried out in all cases by a properly qualified third party independent of the designer/manufacturer; - account to be taken of applied certification procedures and not the categories provided for in the common position when approving staff and operational procedures. ?

Pressure equipment: harmonisation of essential safety requirements

Adopting the report by Mr Roger BARTON (PSE, UK), Parliament ratified the agreement reached by the Parliament and Council Conciliation Committee on 4 February 1997 on pressure equipment. To ensure that pressure equipment subject to a pressure greater than 0.5 bar - a vast range of products from simple pressure cookers to very complex water-tube boilers - can circulate freely, it is essential to have a common safety level without reducing the existing safety levels in the Member States. The agreement reached in the conciliation committee, chaired jointly by Mr Renzo IMBENI (PSE, I) for Parliament and Mr Michiel PATIJN for the Council should make this harmonization possible. The Parliament delegation considered it essential to improve the safety of the most dangerous types of equipment (categories III and IV). This covers such equipment as condensers/coolers of the type used in air conditioning units, certain air storage tanks used in garages for inflating tyres or propane gas cylinders of a certain size. The Council finally accepted the main points made by Parliament, that checks should be carried out during the manufacture of such equipment at the place of manufacture by agencies independent of the manufacturer and that such checks should be made more exhaustive than the Council had initially proposed. ?

Pressure equipment: harmonisation of essential safety requirements

OBJECTIVE: to ensure the free movement of pressure equipment, without reducing the safety standards which apply in the Member States. COMMUNITY MEASURE: European Parliament and Council Directive 97/23/EC on the harmonization of the laws of the Member States concerning pressure equipment. CONTENT: the directive applies to a wide range of equipment and products in sectors as varied as chemicals, textiles, the food industry (e.g. pressure cookers, water-tube boilers etc.) subject to pressure in excess of 0.5 bar, with certain exceptions such as aircraft, cans of fizzy drinks, radiators, water supply networks, tyres, etc. The directive lays down the minimum safety requirements which the equipment in question must meet, the criteria to be satisfied by the bodies in charge of evaluating the conformity of equipment and the various elements of "CE" conformity. DEADLINE FOR TRANSPOSITION: 22 May 1999. The Member States must authorize the placing on the market of pressure equipment and assemblies which comply with the regulations in force on their territory on the date of application of the directive until 29 May 2002, and the commissioning of this equipment after that date. ?

Pressure equipment: harmonisation of essential safety requirements

This Communication is a follow-up to Directive 97/23/EC on Pressure Equipment, where the Commission is invited to present a report

evaluating the functioning of 'User Inspectorates' with regard to conformity assessment.

The Pressure Equipment Directive is a New Approach Directive but differs in one fundamental respect from other New Approach Directives. Rather than having third party intervention in conformity assessment through Notified Bodies, the Pressure Equipment Directive allows Member States to authorise the use of 'User Inspectors' to verify that equipment conforms to the minimum safety requirements. In other words the User Inspectors, who form part of the group of a company using the equipment, are allowed to test conformity rather than independent Notified Bodies.

The unique nature of User Inspectorates has led some Member States to express concern over their use. Independent evaluations are key to the concept of New Approach Directives. Indeed, at the time of its adoption there was considerable concern that pressure equipment assessed by a User Inspectorate may present a higher risk potential than those who have been assessed by Notified Bodies. Most of the concerns expressed relate to the perceived lack of independence of User Inspectors given that they form part of the group of the use of pressure equipment. In principle, User Inspectors could be involved in the design, manufacture, supply, installation, operation or maintenance of pressure equipment.

In spite of these concerns and following extensive consultation with interested parties and stakeholders the Commission concludes that there is no need to change the current system. Both the public enquiry and consultations with Member States has shown that the concept of User Inspectorates has been functioning well and neither problems nor misbehaviour have been identified. The Directive's provisions could on certain points be optimised but the benefits are not expected to be significant. The Commission therefore concludes that there is no sufficient reason to forward a proposal to amend the Pressure Equipment Directive with regard to User Inspectorates.

Pressure equipment: harmonisation of essential safety requirements

Directive 97/23/EC on 'Pressure Equipment' obliges the Commission to carry out a review of the application of Directive 87/404/EEC on 'Simple Pressure Vessels'. When first adopted in 1987 the Simple Pressure Vessels Directive was one of the first of the so-called 'New Approach Directives'. However, it only covers a small category of products. As a result the EU adopted in 1997 an overall Directive on Pressure Equipment which covers a wide range of products from pressure cookers to more complete chemical installations. The 1997 Directive invites the Commission to carry out a review of the Simple Pressure Vessels Directive and to ascertain whether there is a need to merge the two Directives. Indeed a merger of the two Directives has been cited by the Council as a priority for the sake of legislative simplifications.

In preparing this review, the Commission held a series of consultations with national authorities and stakeholders at the end of which it was concluded that a strong case exists for maintaining two separate Directives. The main reasons for this are as follows:

The Simple Pressure Vessels Directive is one of the first adopted under the New Approach and its functioning is well known. On the other hand the Pressure Equipment Directive is a relatively new Directive, of a highly complex nature, whose implementation still poses some problems. Further, there is very little accumulated experience and feedback from market surveillance. These elements are critical as merging both Directives would not be an exercise of mere legislative editing but could be based on substantive considerations.

The Commission, therefore, concludes that there is no clear justification in favour of a merger. This is a position supported by a very large majority of stakeholders and national authorities. As the review states, a merger would not be a simple 'cut and paste' job but a fundamental review. Such an exercise would not necessarily constitute a simplification of legislation. This is view held not only by the Commission but also by most national authorities as well as manufacturers. Indeed, the proposed integration of the two Directives could create problems and at least temporary administrative burdens. At the same time, the Commission does not preclude a future initiative within the framework of the PED. This could be done once sufficient experience in implementation has been built up and in the light of an overall review of the New Approach Directives. One such initiative could include the merging of the SPVD and the PED into one single text - even if the specific provisions reflecting the characteristics of both pressure sectors were to be maintained intact.