

Pressure equipment: harmonisation of essential safety requirements

1993/0462(COD) - 10/03/2006 - Follow-up document

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.