

## I

*(Resolutions, recommendations, guidelines and opinions)*

## OPINIONS

## COMMISSION

## COMMISSION OPINION

of 20 June 2007

**on the follow-up given to the Commission opinion C(2005) 1694 final of 9 June 2005 on interim measures taken by the government of Denmark in respect of high velocity pressure/vacuum relief valves model NEW-ISO-HV manufactured by TANKTECH Co. in the Republic of Korea**

*(Text with EEA relevance)*

(2007/C 137/01)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/98/EC of 20 December 1996 on marine equipment <sup>(1)</sup>, and in particular Article 13 thereof,

Whereas:

- (1) The Commission delivered on 9 June 2005 <sup>(2)</sup> an opinion on the interim measures taken by the government of Denmark in respect of high velocity pressure/vacuum relief valves model NEW-ISO-HV manufactured by TANKTECH Co. in the Republic of Korea (hereinafter referred to as 'the manufacturer').
- (2) In the aforementioned opinion, the Commission recommended that the parties (namely the Danish Maritime Authority, the manufacturer, the French Government as notifying Member State and the notified body having issued the EC type-examination certificate concerned on the latter's behalf) carry out jointly a new test on a representative sample of new valves of the model NEW-ISO-HV of all sizes at a mutually agreed laboratory in accordance with the applicable testing standards, including in particular European standard EN12874:2001, with the aim to determine whether or not the type meets the applicable minimum requirements under normal ship operating conditions.

- (3) A new model of valves, namely the U-ISO series, has replaced the NEW-ISO-HV series, which is no longer being placed in the market. The difference between the two models is a modification of the check-lift mechanism in order to meet the Danish authorities' objections concerning the safe operation of this mechanism.
- (4) Type approval certificate 11582/A2 EC covering the NEW-ISO-HV model was not cancelled following the replacement of this model, but expired on 19 March 2007 and should therefore not be renewed.
- (5) Tests of the NEW-ISO-HV model carried out at the PTB laboratory in Germany and at the KIMM laboratory in S. Korea following the Commission's opinion did not reveal any other inherent defect of the model concerned. The tests have nevertheless showed a significant influence of the testing rig layout on the results, which highlights the importance of correctly installing the valves on board ships. Therefore it is crucial that exhaustive information on the valves' behaviour and limitations of use (in particular as required by the applicable standards) is provided by the manufacturer to the installation designers in order to avoid any mismatch and a consequential possible deviation from the expected performance.
- (6) The manufacturer has provided documentation demonstrating that it carries out exhaustive production checks, where each valve is measured in detail and pressure-vacuum tested; this specific information accompanies every delivery of valves.

<sup>(1)</sup> OJ L 46, 17.2.1997, p. 25. Directive as last amended by Directive 2002/84/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, p. 53).

<sup>(2)</sup> OJ C 148, 18.6.2005, p. 4.

- (7) Type-approval certificate Nr 14473/A0 (subsequently replaced by certificate 14473/A) was issued in February 2005 for the U-ISO model by the notified body Bureau Veritas, acting under the authority of the French government, following testing of all eight sizes as regards capacity and hammering, and of sizes 80 and 150 as regards flashback.
- (8) The changes made relative to the NEW-ISO-HV model may affect compliance with the requirements or the prescribed conditions for use of the product and therefore the new model must receive additional approval. Therefore, full testing of all sizes must be carried out under the control of a notified body acting under the authority of a Member State in order to demonstrate that the new model U-ISO complies with the Directive requirements.
- (9) The manufacturer having undertaken to do so, the parties have agreed that the current type-approval certificate should be superseded accordingly. As regards the units placed in the market under the current type approval certificate, the parties concur that the partial testing carried out provides limited assurance to the extent that an individualised follow-up of the units already placed on board ships would constitute an adequate and proportionate measure to ensure complete safety.
- (10) The said individualised follow-up should be carried out without delay and in such a way that any episodes that might indicate malfunction, in particular pressure peaks or hammering, can be reported by the owners and investigated in order to determine the cause and take all necessary measures. The manufacturer has undertaken to carry out such a follow-up and to report back to the Commission and to the other parties; at the time of delivering this opinion, it is understood that the procedure is already in hand.
- (11) In addition to the recommendation made by the Commission to the Member States in its opinion of 9 June 2005 as regards valves of size 80 manufactured until 31 December 2002, it is prudent to carry out a similar follow-up as regards other valves of the model NEW-ISO-HV placed on board ships. The manufacturer has undertaken to carry out such a follow-up and to report back to the Commission and to the other parties;

at the time of delivering this opinion, it is understood that the procedure is already in hand.

- (12) The manufacturer has undertaken to apply in future conformity assessment modules B (EC type-examination) and F (product verification),

HAS ADOPTED THIS OPINION:

*Article 1*

The parties have given appropriate follow-up to the opinion delivered by the Commission on 9 June 2005 and have taken adequate measures to protect safety.

*Article 2*

The French authorities, under whose authority the current certificate has been issued, have the responsibility to take appropriate measures should full testing of model U-ISO not be carried out within a prudent timeframe or fail to demonstrate conformity with the applicable requirements.

*Article 3*

The Commission recommends that:

1. Any episodes identified by the manufacturer that might indicate malfunction as regards valves of models NEW-ISO-HV and U-ISO already placed on board ships be reported forthwith not only to the Commission and to the other parties as agreed, but also to the flag State regardless of the ship's flag.
2. The Member States carry out a similar verification concerning ships flying their flag and equipped with pressure/vacuum relief valves of the same kind, regardless of their make, and investigate any such episodes in order to determine the most likely cause.

Done at Brussels, 20 June 2007.

*For the Commission*

Jacques BARROT

*Vice-President*