



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.04.1999
COM(1999) 151 final

97/0011 (SYN)

Re-examined proposal for a

COUNCIL DIRECTIVE

on transportable pressure equipment

(presented by the Commission pursuant to Article 189 c (d)
of the EC Treaty)

EXPLANATORY MEMORANDUM

On 8 January 1997 the Commission submitted to the Council a proposal for a Directive on transportable pressure equipment (COM(96)674 final – SYN 97/0011¹).

On 10 July 1997² the Economic and Social Committee gave a favourable opinion.

On 19 February 1998³ the European Parliament gave an opinion on the proposal at the first reading.

On 12 May 1998 the Commission submitted to the Council an amended proposal (COM(1998)286 final – SYN 97/0011⁴).

On 10 March 1999 the European Parliament amended the common position on the above-mentioned proposal adopted by the Council on 30 November 1998⁵.

Pursuant to Article 189 c (d) of the EC Treaty the Commission has re-examined its proposal and has incorporated the amendment 2 which introduces the compulsory notification to the Commission in case of undue marking.

The Commission could not accept the other amendments proposed by the European Parliament for the following reasons:

- Amendment 1 is rejected since the reassessment of an existing receptacle by an approved body is only a possibility ; the Member States who are going to allow this possibility are the Member States who have already a large experience with approved bodies and will authorise only some specific approved bodies for the reassessment activities ; in these circumstances and also taking into account that a notified body has previously reassessed the conformity of the type, unannounced visits by a notified body are not necessary;
- Amendment 3 is rejected since this report is not necessary because the adaptations to technical progress are laid down by Directives of the Commission and published in the Official Journal ;
- Amendment 4 is rejected since this amendment is a consequence of amendment 1 already rejected.

Consequently, the text of the Commission's re-examined proposal now reads as follows:

¹ OJ C 95, 24.3.1997, p. 2.

² OJ C 296, 26.9.1997, p. 6

³ OJ C 80, 16.3.1998, p. 217.

⁴ OJ C 186, 16.6.1998, p. 11.

⁵ OJ C 18, 22.1.1999, p. 1.

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(Text with EEA relevance)

Common position	Re-examined proposal
(Amendment 2)	
Article 12	
Without prejudice to Article 11, where a Member State establishes that the marking described in Annex VII has been affixed unduly, the owner or his authorised representative established in the Community or the holder, or the manufacturer or his authorised representative established within the Community, shall be obliged to make the transportable pressure equipment conform as regards the provisions concerning the marking and to end the infringement under the conditions imposed by the Member State. Should non-conformity persist, the Member State shall take all appropriate measures to restrict or prohibit the placing on the market, transport or use of the equipment in question or to ensure that it is withdrawn from the market or from circulation in accordance with the procedure laid down in Article 11.	Without prejudice to Article 11, where a Member State establishes that the marking described in Annex VII has been affixed unduly, the owner or his authorised representative established in the Community or the holder, or the manufacturer or his authorised representative established within the Community, shall be obliged to make the transportable pressure equipment conform as regards the provisions concerning the marking and to end the infringement under the conditions imposed by the Member State. Should non-conformity persist, the Member State shall <u>inform immediately the Commission and</u> take all appropriate measures to restrict or prohibit the placing on the market, transport or use of the equipment in question or to ensure that it is withdrawn from the market or from circulation in accordance with the procedure laid down in Article 11.