



ORGALIME NOTE TO STAKEHOLDERS

in the area of Pressure Equipment and Simple Pressure Vessels Directive 87/404/EEC

5 November 2004

NOTE to stakeholders:

The Commission has launched a questionnaire regarding the future of the simple pressure vessel directive (SPVD) and proposes an integration of the SPVD into the PED (Pressure equipment directive). Orgalime's PED task force has analysed this proposal and has come to the conclusion that option 3 (No change of the existing directives) is the only acceptable one. Orgalime strongly recommends that associations and other stakeholders should participate in this consultation and adopt a strong position against a merger in order to discourage the Commission in launching yet another "simplification exercise". We would welcome that you use this paper and the arguments we have put forward.

The Commission's consultation states the following:

The co-existence of the Simple Pressure Vessel Directive (SPVD) and the Pressure Equipment Directive (PED) leads to some administrative burdens and inefficiency in the fields of standardisation, notification and the evaluation of transpositions. Similar inconveniences are perceived by market surveillance authorities, notified bodies, manufacturers and users. Moreover, the regulation of simple pressure vessels in a separate legislation is conceptually difficult to defend.

Three options are proposed in the review:

1) "*Simple Pressure Vessels Directive*" (SPVD) and the "*Simple Pressure Vessels exemption*" in the Pressure Equipment Directive (PED), paragraph 1.3.3, are repealed.

This option results in the total integration of the SPVD into the PED in such a way that eventually (after the end of the transitional period) there are no separate specific provisions for those products currently covered by the SPVD.

2) "*Simple Pressure Vessels Directive*" (SPVD) and the "*Simple Pressure Vessels exemption*" in the Pressure Equipment Directive (PED) are repealed and special permanent or temporary provisions are introduced into the PED.

This option is the same as 1) but some special permanent or temporary provisions for the products currently covered by the SPVD would be introduced and, therefore, a distinction between the current coverage of products by the SPVD and the PED respectively could be maintained after the transitional period.

3) No Change, *Pressure Equipment Directive (PED)* and *Simple Pressure Vessels Directive (SPVD)* remain separate directives.

A brief analysis of these 3 options by the ORGALIME PED Task Force came to the conclusion that option 3 is the only acceptable one.

Orgalime's main reasons are the following:

- The two directives currently work. There is no advantage for industry to change the situation; it would lead to extra work for manufacturers without any benefit for safety including:
 - A complete review of essential requirements to be applied to the vessels and corresponding change in the technical documentation
 - A possible change of conformity assessment schemes
 - The need to revise the EN 286 series although there are not enough expertise resources.
- Integration of SPVD into PED without special provisions (option 1) will have as consequence that braking cylinders on road and rail vehicles would not be covered by a directive, as they are excluded from PED.
- Integration of SPVD into PED without special provisions (option 1) would lead to more stringent requirements for most simple pressure vessels.
- Integration of SPVD into PED (with or without special provisions – options 1 or 2) could lead to less stringent conformity assessment rules for most pressure vessels. This would affect the manufacturers of these products who want to use PED or may already do so by including an inert gas like Argon as possible contents of the vessel.
- Integration of SPVD into PED (with or without special provisions – options 1 or 2) will have an impact for assembly manufacturers: what is not considered today to be a PED assembly (of category I or higher), could become a PED assembly of category IV (due to simple pressure vessel going from the status of non PED vessel to the status of PED Category IV vessel). This would again impact the competitiveness of the industry.
- Integration of SPVD into PED with special provisions (option 2) supposes sufficient resources in Member States and in the Commission to conduct this work. It is by far preferable to use such resources (if any) for market surveillance and supervision of Notified Body's surveillance which just started under PED.
- Integration of SPVD into PED with special provisions (option 2), which means revision of PED, could have unexpected effects on existing provisions of PED.
- Integration of SPVD into PED with special provisions (option 2) leads to an uncertain situation for simple pressure vessel manufacturers, for a period which can be longer than expected. Attempts so far to “simplify legislation” have been far from convincing. We see inevitable tendency to render already complex texts often even more complex to understand and apply. Moreover manufacturers are often faced with yet more administrative burdens.

It is strongly recommended to industry (individual companies and professional associations) to answer this consultation, to avoid that the decision be based on pure theoretical views (little justification for two sets of rules; differences of ESRs not justifiable and conformity assessment rules to be harmonised).

Conclusions:

First of all, Orgalime does not agree with the reasons given by the Commission that the co-existence of the two directives causes problems. The directives work well today and to integrate the two directives would create more problems and administrative burden for the industry and increase costs. This will have a direct negative effect on the competitiveness of the EU industry which is already today faced with many challenges. This so called “simplification” would be nothing but harmful.

Orgalime has already undergone for its products the “simplification” of a number of directives, one of which the Machinery directive is still ongoing. Work is also ongoing on the possible revision of the Low Voltage directive.

In view of our experience and on the basis of the above analysis; we can only conclude that:

- 1) Simplification will lead to more administration for the industry.
- 2) Simplification will cause an increase in costs through rendering conformity assessment procedures more complex and therefore more costly.

In view of this Orgalime recommends that the Commission should not undertake an integration of the two directives. We firmly believe that such a measure provides little benefit, if any, to manufacturers while it is certain that it will have a highly negative impact on their competitiveness.