



ORGALIME POSITION

Consultation on Pressure Equipment The future of the Simple Pressure Vessels Directive 87/404/EEC

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Introduction

Orgalime speaks for 33 trade federations representing 130,000 companies in the mechanical, electrical, electronic and metalworking industries of 23 European countries. These industries employ 7 million people and account for 1175 billion euros of annual output, which is a quarter of the EU's output of manufactured products and a third of the manufactured exports of the European Union.

The products regulated by the Pressure Vessel Directive (97/23/EC) and the Simple Pressure Vessel directive (87/404/EC) are manufactured by the European industry represented by Orgalime.

The Member States agreed at the Competitiveness Council of 25 November 2004 on a list with priorities for "simplification" to be submitted to the Commission. The list contains 15 directives and advance Council proposals for possible solutions. Among these 15 directives is the proposal to incorporate the Simple Pressure Vessel directive (87/404/EC) into the Pressure Vessel Directive (97/23/EC).

In parallel the Commission has started a consultation process regarding the future of the Simple Pressure Vessel directive (SPVD) where they propose an integration of the SPVD into the Pressure Vessel Directive (PED).

Orgalime is deeply concerned that the Council should have adopted conclusions on a proposed simplification without prior consultation with our industry and without waiting for the result of the Commission's ongoing consultation. We feel that such a course of action runs contrary to the principles of better regulation.

We present hereafter our views on the possible merger of the two directives based on the Commission's "Consultation on Pressure Equipment - The future of the Simple Pressure Vessels Directive 87/404/EEC (SPVD)".

Orgalime comments on the Commission's consultation document:

The Commission's consultation document 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. Market surveillance authorities, notified bodies, manufacturers and users perceive similar inconveniences. Moreover, the regulation of simple pressure vessels in a separate legislation is conceptually difficult to defend."

The Commission proposes three options in the consultation:

- 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.

After a detailed analysis of the Commission's proposed options, ORGALIME has concluded that only option 3 is acceptable to our industry for the following reasons:

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. Extra work would include:

- 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 when there are not enough expertise resources.
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- 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 of simple pressure vessels.
 - It has been claimed by supporters of the integration of SPVD into PED that the integration (with or without special provisions - options 1 or 2) could lead to less stringent conformity assessment rules for some pressure vessels. Hence manufacturers of such vessels would clearly profit from an integration of SPVD into PED. This may be correct, but it has to be noted that already now manufacturers of simple pressure vessels may use the PED by citing an inert gas such as argon as a possible medium in their vessel. Therefore, the advantage of an integration of SPVD into PED is in this respect negligible.
 - 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 (the 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 surveillance of Notified Body actions 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.
 - A merger or an integration of SPVD into PED would lead to more bureaucracy. There are now more than 200 guidelines to PED and they would have to be checked and revised. It should be emphasised that an integration of the SPVD into the PED would in practice certainly lead to more documentation and bureaucracy (the change alone

would require whole manufacturing processes to be altered) and thus inevitably to higher costs for both manufacturers and users.

Integration of SPVD into PED with special provisions (option 2) leads to an uncertain situation for simple pressure vessels manufacturers, for a period which can be longer than expected. You must of course base our estimations on other experience on other directives where the aim was to simplify legislation (if we refer to other experience of revision of directives with the aim of simplifying legislation).

Conclusions:

Our industry is of the opinion that it is not appropriate to take a political decision to undertake a simplification of legislation, before a full consultation with the stakeholders, of which our industry is one of the most important, has been completed.

A mere consolidation of legislation does not automatically lead to real simplification of the administrative procedures; on the contrary it can even have the opposite effect. We therefore request that the Commission should first of all complete its consultation process and discuss its proposals in depth with stakeholders prior to any political decision.

Orgalime does not believe, as suggested by the Commission, that the co-existence of the two directives causes problems. To our knowledge, the directives work well today and to integrate the two directives would create more problems and administrative burden for the industry and increase costs through rendering conformity assessment procedures more complex. This will have a direct negative effect on the competitiveness of the EU industry which is already today faced with many challenges.

In view of this Orgalime recommends that the Commission should not proceed with the integration of the two directives.