Transportable Pressure Equipment
Directive 2010/35/EC

C.2 Road Safety
Directorate General for Mobility and Transport
European Commission

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Scope

**Equipment** used for the transport of gases (**Class 2**) in accordance with ADR, RID or ADN, namely:

- all **Pressure Receptacles**, their **Valves** and other **Accessories** when appropriate, as covered in **Chapter 6.2** of the ADR or RID (**cylinders**)

- **Tanks, Battery Vehicles/Wagons, Multiple-Element Gas Containers (MEGCs)**, their **Valves** and other **Accessories** when appropriate, as covered in **Chapter 6.8** of ADR or RID (**tanks**)

- **Exemptions:**
  - TPE used for transport between MSs and 3rd countries,
  - Exemptions (ex. gases having digits “6” or “7” in the classification code etc.)
Directive 2010/35/EU

Takes over via Directive 2008/68/EC, the relevant technical requirements of ADR and RID, namely of:

Sections:

1.8.6 Administrative controls for application of the **conformity assessments**, **periodic inspections**, **intermediate inspections** and **exceptional checks** described in 1.8.7

1.8.7 Procedures for conformity assessment and periodic inspection

And …
Directive 2010/35/EU

Chapters:

6.2 Requirements for the construction and testing of pressure receptacles, aerosol dispensers, small receptacles containing gas (gas cartridges) and fuel cell cartridges containing liquefied flammable gas

6.8 Requirements for the construction, equipment, type approval, inspections and tests, and marking of fixed tanks (tank-vehicles/wagons), demountable tanks and tank-containers and tank swap bodies, with shells made of metallic materials, and battery-vehicles/wagons and multiple element gas containers (MEGCs)
In a nutshell, the Directive:

- Sets out:
  - rules to enhance safety operations with TPE (including safeguard clauses)
  - rules to ensure free movement of TPE within the Union
  - rules to ensure the transnational provision of services on EU market
  - obligations for the economic operators putting TPE on the market
  - rules for conformity assessment of transportable pressure equipment
  - rules for the Pi marking

- Is applied in connexion with general Market Surveillance legislation
Accreditation & Notification of NoBos

Accreditation: Attestation by the National Accreditation Body that a Notified Body meets the requirements of 1.8.6.8 of ADR or RID (organisation, testing facilities and equipment, professional competencies, quality system etc.)

Notification: (1) awarding the status of “Notified Body” to an inspection body and (2) communication of this information to the Commission and to the Member States

Notified Bodies:

- Shall have legal personality established under national law
- Perform conformity (re)assessment, periodic inspection and exceptional checks of TPE
- Supervise the manufacturers who affix the Pi marking on TPE
- Shall inform the Notifying Authority of any refusal, restriction, suspension or withdrawal of a certificate and of any circumstances affecting the scope of and conditions for notification
- Shall participate in activities for standardisation, coordination and apply the administrative decisions
- May work for client based in other EU MS
- According with their degree of independence in decision taking, they are accredit as:
  - Type A – the most independent
  - Type B – when depending on the mother company

**NOTE:** Type C – in-house inspection services - work under the supervision of a Type A NoBo; BUT they are not Notified Bodies
Notifying Authorities shall:

- Set up procedures for the **assessment, notification** and **monitoring** of Notified Bodies and **shall monitor the activity** of the Notified Bodies.
- Have no conflict of interests with Notified Bodies.
- Safeguard the objectivity and impartiality of its activities.
- Not provide activities /consultancy services in competition with the Notified Bodies.
- Safeguard the confidentiality.
- Have adequate professional and administrative capacity.
Market Surveillance Authorities

- **Check** the compliance of TPE with applicable rules
- **Require** / **Adopt** corrective measures:
  - To bring the TPE in compliance
  - To recall the TPE from the market
  - To withdraw *provisionally* the TPE from the market
- **Inform** the Commission and MSs about the measures
- **Apply** the measures decided by the Commission
Obligations of economic operators

(Art.4) Manufacturers shall:

- ensure that the equipment has been:
  - designed,
  - manufactured and
  - documented

in accordance with the requirements of Annexes to Directive 2008/68/EC and of TPED

- affix the Pi marking after the conformity of the TPE has been assessed

- keep the technical documentation and transmit it to the MSA, at request

- take the corrective measures to bring the TPE into conformity, to withdraw it or to recall it

- inform the MSA of any risk and measure taken

- cooperate with MSA to eliminate the risks
Obligations of economic operators

(Art. 6) Importers shall:

- place on the EU Market only TPE conforming with Directive 2008/68/EC and TPED
- ensure that the Manufacturer carried out the appropriate conformity assessment, before placing the TPE on the market
- ensure that the manufacturer has drawn up the technical documentation
- ensure that the TPE is Pi marked and accompanied by the certificate of conformity
- keep the technical documentation and transmit it to the MSA, at request
- take the corrective measures to bring the TPE into conformity, to withdraw it or to recall it
- inform the MSA of any risk and measure taken
- cooperate with MSA to eliminate the risks
Obligations of economic operators

(Art.9) Operators shall:

- only use transportable pressure equipment which is in conformity with the requirements set out in Directive 2008/68/EC and TPED.
- inform the Owner and MSA regarding any risk

TPED provides obligations for the:

- authorized representative (Art.5),
- distributors (Art.7) and
- owners (Art. 8)
Information obligations

- Importer
- Manufacturer Representative
- Distributor
- Market Surveillance Authority
- Operator
- Owner
MSA evaluates a TPE

Any risk/ noncompliance?
If YES

1. MSA to inform NoBo
2. MSA to ask Ec. Ops. to: Comply, Withdraw or Recall the TPE

If Ec. Ops. do not comply, then
MSA to Prohibit, Restrict, Recall or Withdraw the TPE from the market

Shortcomings in standards?
If YES

MSA to inform EC
EC to inform Standardisation Bodies

International case? If YES

MSA to inform the EC + MS
MS to send EC any relevant info

If no Objections in 2 months, MSA decision would become generally applicable

In case of Objections, EC decides after consultations with MS and Ec. Ops.
Thank you for your attention!