

SUSTAINABLE & SMART
MOBILITY STRATEGY

Transportable Pressure Equipment Directive 2010/35/EC

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



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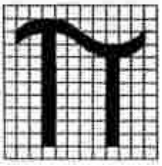
Mobility and Transport

Belgrade, 17 June 2021

#MobilityStrategy

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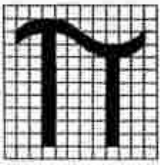


● Scope

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.)





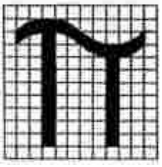
● Directive 2010/35/EU

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 ...

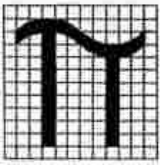


● Directive 2010/35/EU

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)**

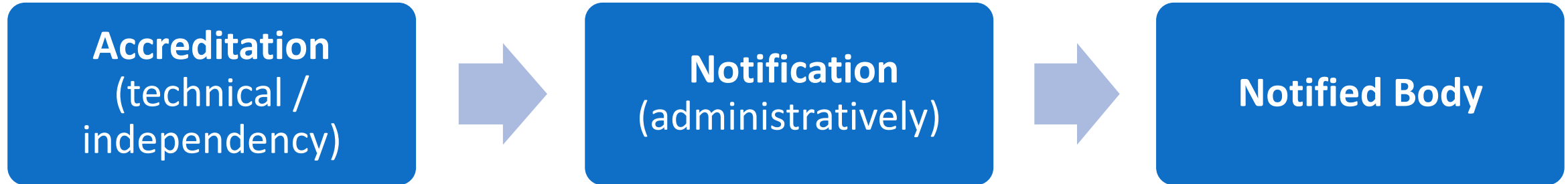


Directive 2010/35/EU

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

NANDO database TPED - https://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&dir_id=141121



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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 **accredited** 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

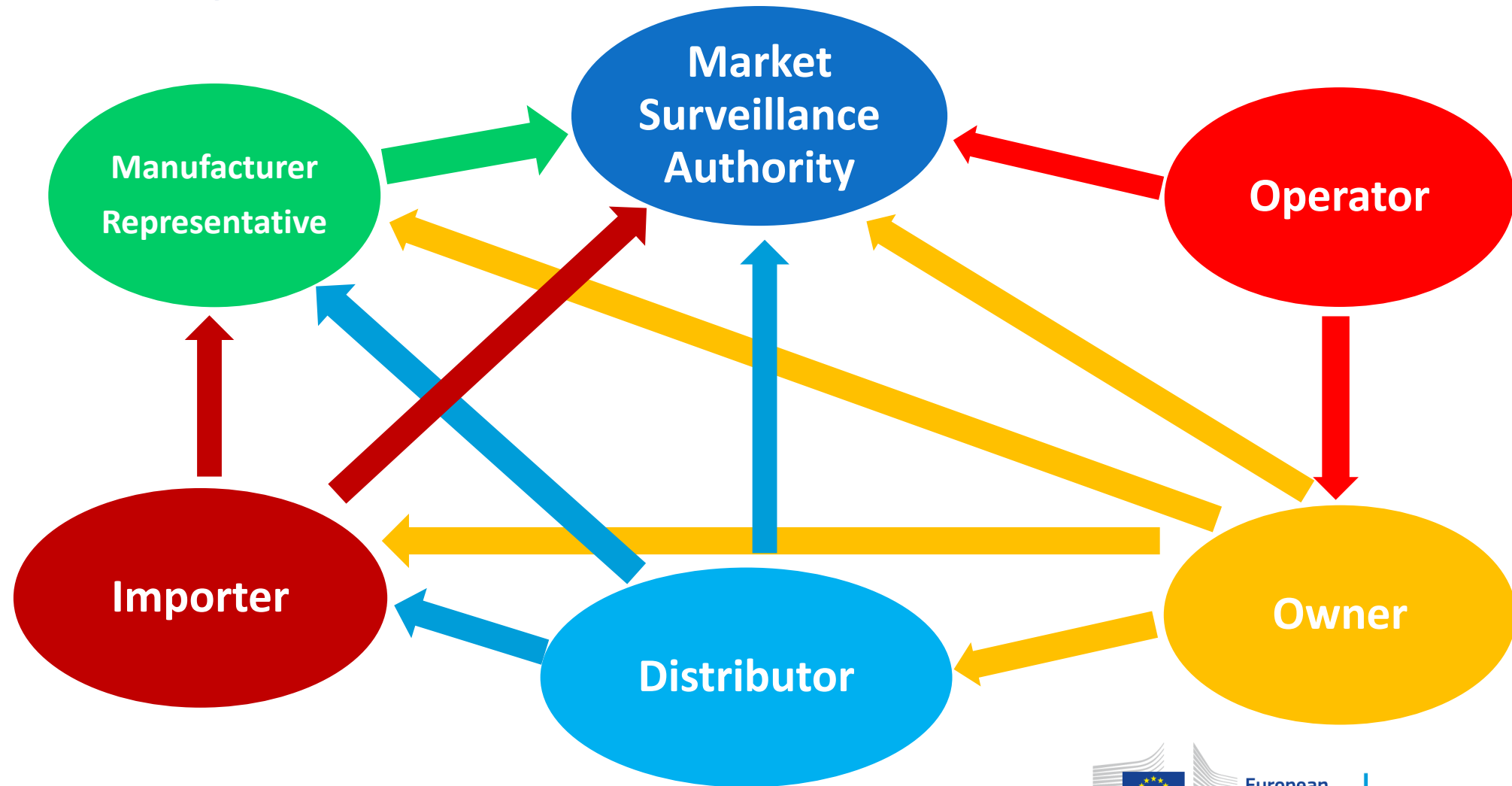
(Art.9) Operators shall:

- 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



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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

MSA
International case? If **YES**

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

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

Shortcomings in standards?
If **YES**

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.

MSA to inform EC
EC to inform Standardisation Bodies



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Thank you for your attention!