Milan, 7th June 2012

PNEUROP Comments on the alignment of 2009/105/CE SPVD Directive with Decision 768/2008 – NLF or "Goods Package"

Commission proposal COM(2011) 768 final
European Parliament Draft Reports of the Internal Market and Consumer Affairs Committee 2011/0351(COD)

Pneurop is the European committee of manufacturers of compressors, vacuum pumps, pneumatic tools and allied equipment, represented by their national associations.

Pneurop speaks on behalf of its members in European and international forums regarding the harmonisation of technical normative and legislative developments in the field of compressors, vacuum pumps, pneumatic tools and allied equipment

Pneurop supports the Commission Proposal to align SPVD Directive, together with 8 product harmonisation Directives, as closely as possible with the New Legislative Framework (Regulation (EC)765/2008 and Decision 768/2008/EC).

However, there is a crucial point on the "Alignment Package" adopted by the Commission November last year concerning 2009/105/EC Directive recast on which we see the need to consider a clarification.

According to Commission Proposal on SPVD Directive recast (ANNEX II – CONFORMITY ASSESSMENT PROCEDURES, art 1.3 com. C), the technical documentation shall make it possible to assess the vessel's conformity with the applicable requirements of this Directive and include an adequate analysis and assessment of the risk(s).

In Pneurop opinion, the Commission proposal for the SPVD recast introduces, into the design phase, the Risk Analysis without any changes of the input parameters listed in article 1 (simple vessels manufactured in mass production, type of material, fluid inside, unknown installation place, etc.) and of the essential requirements listed in Annex I.

PNEUROP position is that the introduction of the Risk Analysis into the SPVD Directive 2009/105/CE should be revised taking into accounts the particularities of simple pressure vessels market.

This position on the introduction of the "Risk Analysis" concept into the SPVD Directive is supported by several reasons.

- it will bring no real benefits in terms of safety of the products;
- it will create more costs for the manufacturers, monopolising resources without introduce any added value also in terms of market surveillance;
- It may twist a well established simple pressure vessels market's dynamics

Pneurop support

PROPOSAL FOR AMENDMENTS

The Risk Analysis approach can be applied when are reasonably foreseeable the "limits" of the simple vessel, in terms of intended use (and possible misuse) and in terms of intended working environment of the products.

Both these conditions are difficult to deal with in case of vessels manufactured with series production; consequently we propose to add the following whereas on the Commission proposal for the SPVD recast:

WHEREAS

> ***Taking into consideration the peculiarities of simple vessels falling into the scope of the Directive, Risk Analysis approach can be fully applied when are reasonably foreseeable the final intended use and the working environment of the vessels family. In case of specific and stricter operating conditions, Risk Analysis should be based on the end-user specification***

GENERAL COMMENTS AND EXPLANATIONS

More than twenty year experience of application of the "old approach" SPVD Directive shows clearly that not relevant problems occurred in term of safety of these products.

Since the enter in force of the Directive 87/404/EEC SPVD, simple pressure vessels are produced and put on the market in compliance with the provisions of the European legislation. Particularly, the requirements that shall be fulfilled and satisfied by the manufacturer are defined by Annex I of the SPVD (today, Directive 2009/105/EC)

SPVD Directive is focused on the products falling into its scope, taking into consideration specifically vessels manufactured in series. According to article 1, SPVD Directive applies only to simple vessels respecting the following characteristics:

- "Simple" product (just one shell and two heads);
- Vessels manufactured with series production;
- Vessels made in carbon steel or aluminium;
- used only for air or nitrogen;
- with maximum pressure of 30 bar;
- with maximum temperature of 300 °C for steel and 100 °C for aluminium;
- value of the product of pressure to volume not more than 10000 bar*l

Due to all above requirements and considering that the final destination of the vessels is usually unknown by the manufacturer, the design criteria defined by the current text of SPVD Directive 2009/105/CE Annex I (Material, chemical composition, maximum tensile strength, temperature,

minimum wall thickness, design method and manufacturing process) are absolutely sufficient to put on the market a safe and reliable product (considering also that corrosion is the only critical factor that is possible to take in consideration for this types of vessels).

As shown in figure 1, a simple vessel put on the market accordingly to the SPVD requirements is CE marked and accompanied by the EC Declaration of Conformity and Instructions for use (which are the focal point for the safety in use of the vessels designed according to Directive annex I, providing all the instructions on specific risks associated with the use of the tank).

Figure 2 describes the consequences of the formal introduction of the "Risk Analysis" in the design phase of the vessels, as tabled into the Commission proposal for the SPVD recast.

The opinion of Pneurop is that such modification does not introduce any safety added value. Moreover, final users will continue to find a CE marked vessel accompanied by a CE Declaration of Conformity and provided with instructions for users completely identical at the instructions used in the past.

As a final consideration, the major consequence of the Risk Analysis introduction into SPVD without knowing the final destination of the simple pressure vessel could be the practical limitation of the free circulation of these products which use will be precautionary limited by manufacturers, who will be forced to apply a conservative approach.

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Fig. 1

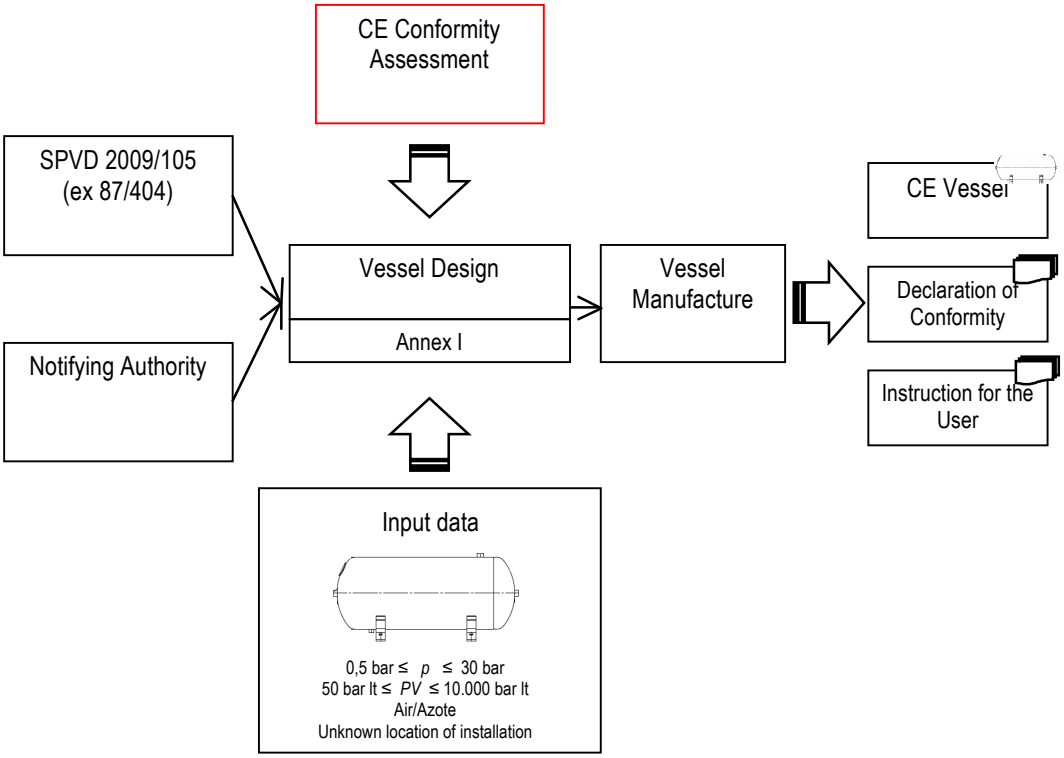
CE Conformity Assessment
SPVD 2009/105 (ex 87/404)
Notifying Authority
Vessel Design
Annex I
Vessel Manufacture
CE Vessel
Declaration of Conformity
Instruction for the User
Input data
0,5 bar ≤ p ≤ 30 bar
50 bar lt ≤ PV ≤ 10.000 bar lt
Air/Azote
Unknown location of installation

Fig. 2