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The European institutions are currently working on the procedure for the alignment of existing legislation with the provisions of the New Legal Framework NLF.

In this framework of the implementation of the “goods package”, November last year the European Commission adopted a package of proposals aligning ten product directives to Decision No 768/2008/EC; among the others this package includes the alignment of the existing SPVD Directive 2009/105/EC.

Among the other provisions of the NLF Decision integrated into the existing directive, The Commission proposal (COM(2011) 768 final) introduces a new definition for the economic operators involved by the Directive, specifying their respective obligations.

Figure 1 shows the relation between the economic operators defined on the current SPVD Directive 2009/105/EC and the notifying authorities.

Considering the real situation on the simple vessels market, we have to point out that the Commission proposal doesn't take into consideration one of the key operator, the compressors manufacturer, and his relation with simple vessels manufacturer, importer or distributor (Figure 2 shows a picture of the current market situation and the relationship among different key actors).

The consequences of the introduction of these new definitions into SPVD Directive could be the raising of questions and requests of clarifications by importers and distributors (addressed indifferently to the compressors manufacturer or directly to the vessels manufacturer) in order to be sure that the vessels meet all requirements imposed by the Directive.

This situation can be created by the fact that distributors and importers usually do not have the sufficient experience to fulfil all requirements introduced by the SPVD Directive alignment to NLF provisions. The market experience shows that the simple vessels manufacturer has the necessary knowledge to meet all the Directive requirements, considering also that he is in charge to apply the relevant conformity assessment procedure.

To avoid the possible raising of any misleading situation on the market, we deem necessary that the Association defines which documents should be made available, together with the product, by the vessels manufacturer to the compressor manufacturer in addition to mandatory documents already foreseen by the Directive itself (declaration of conformity and users instruction).

According to the proposal, the list of documents that should be provided by the vessels manufacturer to the compressors manufacturer (for each vessels family) is the following:



- 1) EC type examination certificate of the vessels family issued from the Notified Body
- 2) List of all vessels family variants
- 3) Drawing of the family
- 4) Extract of the calculations

These documents are the only one that should be held by importers or distributors. In case of specific request coming from the market surveillance activity, national authorities should be able to receive all necessary explanations or additional documentation directly by the vessels manufacturer.

Figure 3 shows a picture of market situation and the relationship among different economic operators that will be created as a consequence of the Pneurop proposal

Fig. 1

Economic Operators

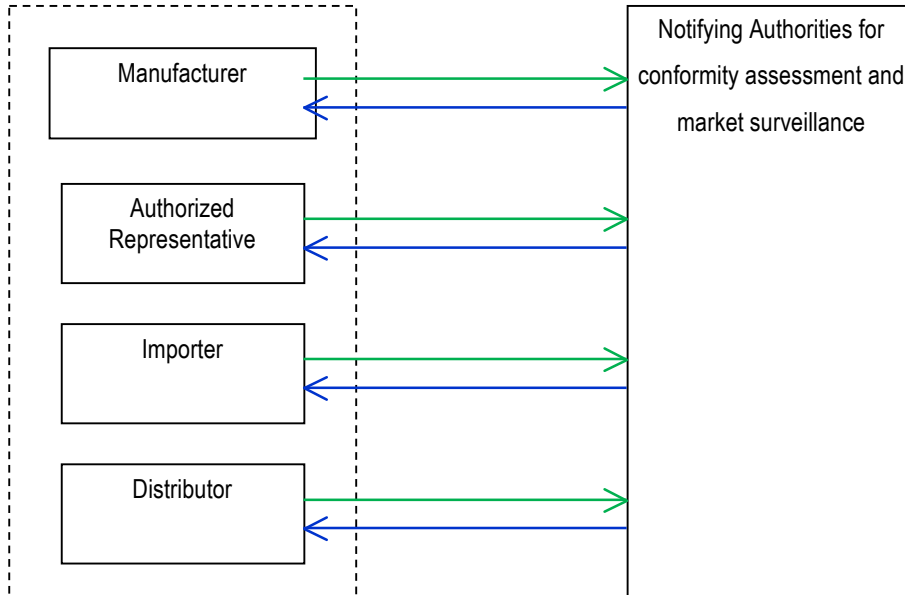


Fig. 2

CURRENT MARKET STRUCTURE

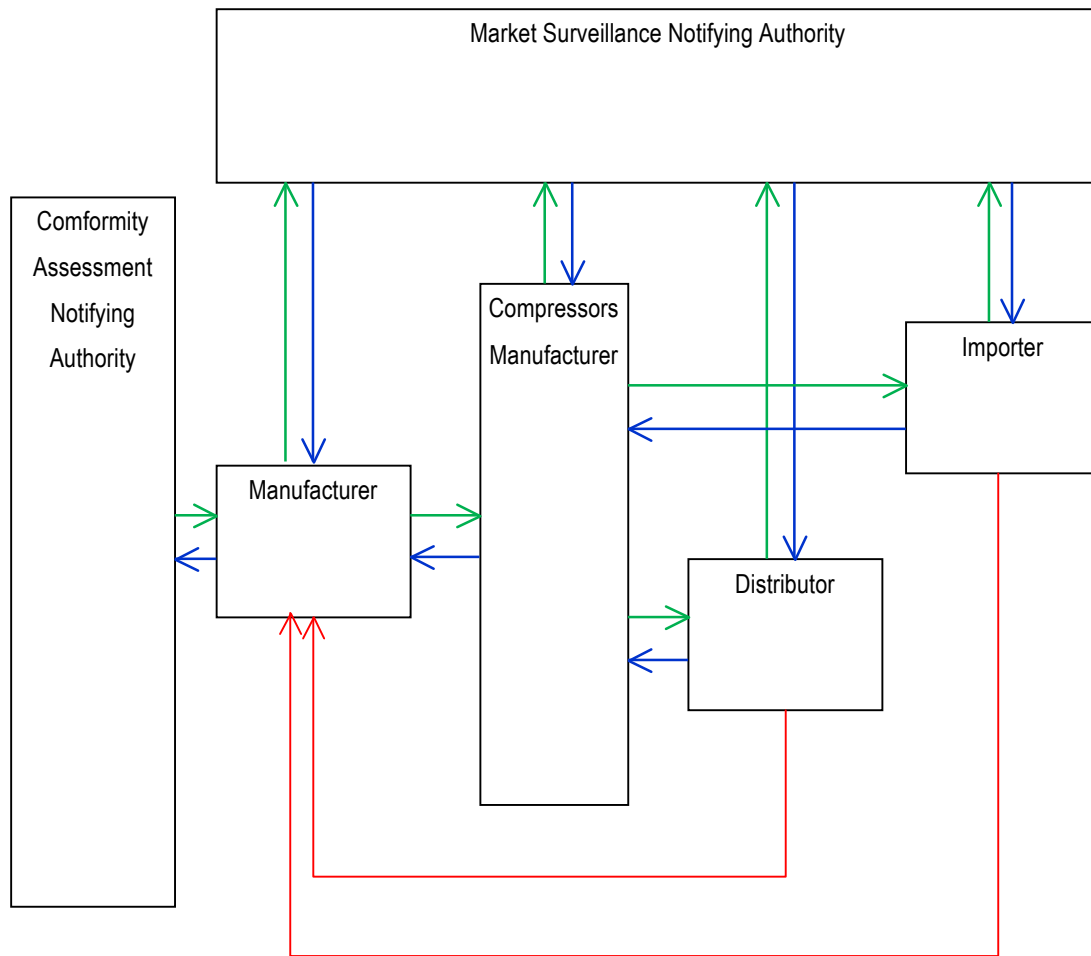


Fig. 3

MARKET STRUCTURE PROPOSAL

