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*Committee on the Internal Market and Consumer Protection*

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**2011/0350(COD)**

7.6.2012

# **AMENDMENTS**

## **35 - 50**

**Draft report**  
**Zuzana Roithová**  
(PE488.061v01-00)

Harmonisation of the laws of the Member States relating to making available  
on the market of simple pressure vessels (Recast)

Proposal for a directive  
(COM(2011)0768 – C7-0428/2011 – 2011/0350(COD))

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PE491.169v01-00

AM\_Com\_LegReport

**Amendment 35**  
**Christel Schaldemose**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) When placing a simple pressure vessel on the market, every importer should indicate on the simple pressure vessel his name and the address at which he can be contacted.

*Amendment*

(10) When placing a simple pressure vessel on the market, every importer should indicate on the simple pressure vessel his name and the address, ***or, where appropriate the web address of the importer,*** at which he can be contacted.

Or. en

**Amendment 36**  
**Christel Schaldemose**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

(34) It is necessary to provide for transitional arrangements that allow making available on the market and putting into service simple pressure vessels that have already been placed on the market in accordance with Directive 2009/105/EC.

*Amendment*

(34) ***Manufacturers and importers need to be given reasonable, but limited, time to exercise any rights under national rules in force before the date of application of national rules transposing this Directive in order, for example to sell their stocks of manufactured products.*** It is necessary to provide for transitional arrangements that allow making available on the market and putting into service simple pressure vessels that have already been placed on the market in accordance with Directive 2009/105/EC.

Or. en

**Amendment 37**  
**Christel Schaldemose**

**Proposal for a directive**  
**Article 6 – paragraph 6**

*Text proposed by the Commission*

6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the vessel. The address must indicate a single point at which the manufacturer can be contacted.

*Amendment*

6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address, ***or, where appropriate the web address of the manufacturer,*** at which they can be contacted on the vessel. The address must indicate a single point at which the manufacturer can be contacted.

Or. en

**Amendment 38**  
**Zuzana Roithová**

**Proposal for a directive**  
**Article 6 – paragraph 6**

*Text proposed by the Commission*

6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the vessel. The address must indicate a single point at which the manufacturer can be contacted.

*Amendment*

6. Manufacturers shall indicate their name, registered trade name or registered trade mark, ***their web address in a language easily understood by end-users and market surveillance authorities,*** and the address at which they can be contacted on the vessel. The address must indicate a single point at which the manufacturer can be contacted.

Or. en

**Amendment 39**  
**Christel Schaldemose**

**Proposal for a directive**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the vessel or, where that is not possible, on its packaging or in a document accompanying the vessel.

*Amendment*

3. Importers shall indicate their name, registered trade name or registered trade mark and the address ***or, where appropriate, the web address of the importer,*** at which they can be contacted on the vessel or, where that is not possible, on its packaging or in a document accompanying the vessel.

Or. en

**Amendment 40**  
**Zuzana Roithová**

**Proposal for a directive**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the vessel or, where that is not possible, on its packaging or in a document accompanying the vessel.

*Amendment*

3. Importers shall indicate their name, registered trade name or registered trade mark, ***their website address in a language easily understood by end-users and market surveillance authorities,*** and the address at which they can be contacted on the vessel or, where that is not possible, on its packaging or in a document accompanying the vessel.

Or. en

**Amendment 41**  
**Ashley Fox**

**Proposal for a directive**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The EU declaration of conformity shall have the model structure set out in Annex

*Amendment*

2. The EU declaration of conformity shall have the model structure set out in Annex

III of Decision No 768/2008/EC, shall contain the elements specified in the relevant modules set out in Annex II of this Directive and shall be continuously updated. It **shall** be translated into the language or languages required by the Member State in which market the vessel is placed or made available.

III of Decision No 768/2008/EC, shall contain the elements specified in the relevant modules set out in Annex II of this Directive and shall be continuously updated. It **may** be translated, **upon request**, into the language or languages required by the Member State in which market the vessel is placed or made available.

Or. en

**Amendment 42**  
**Bernadette Vergnaud**

**Proposal for a directive**  
**Article 18 – paragraph 2**

*Text proposed by the Commission*

2. **Member States may decide that the** assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.

*Amendment*

2. **The** assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.

Or. fr

*Justification*

*In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.*

**Amendment 43**  
**Bernadette Vergnaud**

**Proposal for a directive**  
**Article 21 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of vessels which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.***

***deleted***

Or. fr

*Justification*

*In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.*

#### **Amendment 44**

**Bernadette Vergnaud**

#### **Proposal for a directive**

#### **Article 21 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of ***the*** vessels ***which they assess***, nor the authorised representative of any of those parties. This shall not preclude the use of assessed vessels that are necessary for the operations of the conformity assessment body or the use of such vessels for personal purposes.

4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of vessels, nor the authorised representative of any of those parties. This shall not preclude the use of assessed vessels that are necessary for the operations of the conformity assessment body or the use of such vessels for personal purposes.

Or. fr

### *Justification*

*In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.*

#### **Amendment 45** **Bernadette Vergnaud**

##### **Proposal for a directive** **Article 21 – paragraph 4 – subparagraph 2**

###### *Text proposed by the Commission*

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of *those* products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

###### *Amendment*

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of products ***covered by this Directive***, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

Or. fr

### *Justification*

*In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.*

#### **Amendment 46** **Bernadette Vergnaud**

##### **Proposal for a directive** **Article 24 – paragraph 3**



*Text proposed by the Commission*

*Amendment*

**3. Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 21.** **deleted**

Or. fr

*Justification*

*In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.*

**Amendment 47**

**Bernadette Vergnaud**

**Proposal for a directive  
Article 25 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Where a notification is not based on an accreditation certificate as referred to in Article 24(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in Article 21.** **deleted**

Or. fr

*Justification*

*In order to ensure that the certificates are reliable and impartial – and thus for safety reasons*

– the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.

#### **Amendment 48**

**Bernadette Vergnaud**

#### **Proposal for a directive**

#### **Article 25 – paragraph 5 – subparagraph 1**

##### *Text proposed by the Commission*

5. The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of a notification ***where an accreditation certificate is used or within two months of a notification where accreditation is not used.***

##### *Amendment*

5. The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of a notification.

Or. fr

##### *Justification*

*In order to ensure that the certificates are reliable and impartial – and thus for safety reasons – the conformity assessment bodies must be subject to accreditation by the authorities and should never be business associations or professional federations.*

#### **Amendment 49**

**Zuzana Roithová**

#### **Proposal for a directive**

#### **Article 35 – paragraph 7**

##### *Text proposed by the Commission*

7. Where, within ***two*** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

##### *Amendment*

7. Where, within ***three*** months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

**Amendment 50**  
**Ashley Fox**

**Proposal for a directive**  
**Article 41 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

1. Member States shall adopt and publish by [insert date – 2 years after adoption] at the latest, the laws, regulations and administrative provisions necessary to comply with Articles 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and Annex II. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

*Amendment*

1. Member States shall adopt and publish by [insert date – 3 years after adoption] at the latest, the laws, regulations and administrative provisions necessary to comply with Articles 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and Annex II. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.