

Guideline

I-15

CLAP

FORM N°X194

Version : 1

Directive 2014/68/EU

Adopted by WGP :

15/03/2016

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Directive References:

Article 16

Subject:

Miscellaneous – User inspectorate

Question:

A user places an order for Pressure Equipment on a manufacturer in Member State 'A', where the Member State has chosen not to implement Article 16; but the Pressure Equipment is intended to be put into service as part of an industrial installation in Member State 'B', where Article 16 is implemented.

May Member State 'A' refuse to allow the user's inspectorate, which has been authorized according to Article 16 in another Member State, to operate on its territory, thus preventing the User Inspectorate from undertaking conformity assessment of the Pressure Equipment?

Answer:

No, provided the transfer takes place directly from the manufacturer to the user and it takes place in Member State 'B' the User Inspectorate may legally undertake the conformity assessment activities in Member State 'A'.

Reason: Article 16, Paragraph 1 says: “.... Member States may authorize on their territory the placing on the market and the putting into service by users, of Pressure Equipment.... which.... has been assessed by a User Inspectorate designated in accordance with paragraph 7”

It is clear that the putting into service will take place in Member State 'B' and therefore can be authorized in conformity with the Directive.