

Directive 97/23/CE**Keywords:**

Experimentation

Pressure equipment

National regulation

Directive reference:

Article 10 § 3 - 97/23 EC

Adopted by CLAP:**27/03/2003****Subject:**

Scope – Equipment used in the interest of experimentation

Question:

Article 10 § 3 provides a derogation for individual pressure equipment items and assemblies used in the interest of experimentation. What does this derogation mean?

Answer:

This derogation applies only in countries where Member states have transposed Article 10 § 3. According to their transposition, this provision can be limited to items of pressure equipment or assemblies manufactured for the sole purpose of innovation in technology of pressure equipment or can be extended to scientific research on processes. The Member state may require in its transposition prior authorisation.

It covers conformity assessment procedure and not the essential safety requirements.

Any equipment that is not subject to an exclusion according Article 1 § 3 and that complies with the conditions of Article 3 shall satisfy the requirements of Annexe I (except for the CE marking referring in section 3.3 of Annex I) and be accompanied with operating instructions.

Instructions shall indicate the foreseen conditions of the experimentation and the complementary safety measures to be taken during the experimentation.

NOTE 1: Such equipment shall not be CE marked.

NOTE 2: This derogation no longer applies when there is a transfer of technology for industrial production.

NOTE 3: The information about national transposition can be obtained on the PED web site at the following address : <http://ped.eurodyn.com/> , Member state section. In France, this provision was transposed by Article 27 of the decree n°99-1046 of December the 13th 1999.

Modifications compared to the previous adopted version: Editorial correction on 2004-09-16.