

Guideline

9/15

CLAP

FORM N°170

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Directive 97/23/EC

Keywords :

User inspectorate

Conformity assessment

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Directive references:

Article 14 - 97/23 EC

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Subject: Conformity assessment – 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 14; but the Pressure Equipment is intended to be put into service as part of an industrial installation in Member State 'B', where Article 14 is implemented. May Member State 'A' refuse to allow the user's inspectorate, which has been authorized according to Article 14 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 14, Paragraph 1 says: "... Member States may authorize in 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 the criteria"

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.

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