

Directive 97/23/EC

Keywords :

Machinery

Vessel

Boiler

Assembly

Category

Directive references:

Article 1 § 3.6 - 97/23 EC

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Subject: Exclusion – Boilers and pressure vessels clarified in category I and installed in a machinery

Question: Which rules apply for pressure equipment which also meets the definition of machinery in the machinery directive or which is intended to be installed in machinery?

Answer: The Pressure Equipment Directive (PED) applies to pressure equipment in the sense of Article 1 paragraph 2 of the PED in general, but also the exclusions of Article 1, paragraph 3 have to be considered.

Article 1, paragraph 3.6 first indent states that:
 "Equipment classified as no higher than category I under Article 9 of this Directive and covered by one of the following Directives: [among others the machinery directive] are excluded from the scope of this Directive".

That means, when a product which is placed on the market is covered by the machinery directive, the exclusion of Article 1 paragraph 3.6 first indent applies to any item of pressure equipment not higher than category I which is a part of that machine (i.e. the pressure equipment directive does not apply).

The exclusion also applies to items of pressure equipment not higher than category I separately placed on the market, if their intended use is to be part of machinery which must be laid down in the operating instructions.

In those cases, the essential safety requirements of PED are an appropriate way to obtain the required safety level regarding the pressure hazard.

A manufacturer outside of EEA may choose the SEP of one of the Member States. SEP from countries outside EEA does not automatically fulfil the requirement of Article 3 § 3.

However, as a general rule, it can be assumed that the SEP of a Member State is met if:

- The product has been legally marketed in one Member State of EEA for many years, or
- The product fulfils technical specifications recognised by one Member State of EEA.

Refer also to CLAP 82 - Guideline 9/1 and CLAP 130 - Guideline 9/9.

Reason: Article 3 § 3 of PED stipulates mutual recognition of SEP of Member States in order to avoid barriers of trade. The level of safety is assumed to be sufficient in all Member States. So the equipment must in be fact safe.

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