

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

Marking

Manufacturer

Placing on the market

Directive reference: Article 15 - 97/23 EC

Annex I § 3.3 - 97/23 EC

Adopted by CLAP: 06/12/2011**Subject:** New approach – Placing on the market of equipment produced by another manufacturer**Question:** May a manufacturer Y place pressure equipment on the market under its name when it has been produced and conformity assessed by another manufacturer X under the Pressure Equipment Directive (PED)?**Answer:** Yes, provided the following are fulfilled:

1. a contractual agreement on this issue between the two parties shall exist, to ensure that all parties are aware of all the legal obligations and to safeguard against safety and commercial issues such as counterfeiting.
2. The manufacturer Y must assume all the responsibilities assigned to the manufacturer by the Directive, in particular:
 - He shall apply an appropriate conformity assessment procedure and engage the services of a notified body where required, the number of which shall accompany the CE-marking. This notified body shall take the responsibility for the conformity assessment procedure applied to the equipment, taking account of records of any previous assessment if possible.
 - He shall be able to provide the market surveillance authorities with the technical documentation on request.

NOTE

- 1) This practice is known as own brand labeling (OBL). This is neither a sub-contracting of manufacturer X to manufacturer Y nor distribution by the manufacturer Y of products manufactured by the manufacturer X.
- 2) To simply change the name of the manufacturer on equipment previously certified does not comply with Directive
- 3) The manufacturer Y may keep the number of the notified body associated with the manufacturer X, only if manufacturers X and Y have asked the notified body to draw up a new certificate.
- 4) See also Fiche CLAP 236- Guideline 4/10.