

Guideline

10/3

CLAP

FORM N°62

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Directive 97/23/EC

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Final inspection

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Directive references: Article 20 - 97/23 EC

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Subject: New approach - End of the transitional period

Question: Article 20, section 3 states that the transition period extends up to and includes 29 May 2002. If a manufacturer intends to place pressure equipment or assemblies on the market according to pre-PED national Regulations during the transition period, what conditions must be met?

Answer: 1. A necessary condition is that all manufacturing and conformity assessment operations required by the pre-PED national Regulations have been completed on or before 29 May 2002.

2. In addition, given that one of the purposes of including a transition period in the Directive is to provide time for manufacturers to reduce stocks, items of pre-PED pressure equipment must be physically transferred to the customer or distribution chain on or before 29 May 2002. Unless the transfer of ownership has occurred before this date.

Supplementary points :

Provided the conditions in 1 and 2 have been met, there are no restrictions on the subsequent sale of pre-PED pressure equipment (through a distribution chain for example) or when such equipment is eventually put into service within the respective Member state.

If a manufacturer retains some stocks of pre-PED pressure equipment or assemblies after 29 May 2002, then they can only be subsequently placed on the market if they are shown to be in compliance with the PED (This is not necessary if the items are intended for export to a country outside the Community). For subsequent use of such an item of pressure equipment in an assembly, refer to CLAP 142 - Guideline 3/11.

Modifications compared to the previous adopted version : copy of guideline 10/3 (08/11/00) and editorial correction on 2004-09-16.