

Directive 2009/105/EC of the European Parliament and of  
the Council of 16 September 2009 relating to simple pressure  
vessels (codified version) (Text with EEA relevance) (repealed)

CHAPTER II

**CERTIFICATION**

*SECTION 4*

***EC declaration of conformity***

*Article 12*

1 A manufacturer fulfilling the obligations arising under Article 13 shall affix the 'CE' marking provided for in Article 16 to vessels which he declares to be in conformity with:

- a the design and manufacturing schedule referred to in point 3 of Annex II in respect of which a certificate of adequacy has been drawn up; or
- b an approved prototype.

2 By the EC declaration of conformity procedure the manufacturer becomes subject to EC surveillance, in cases where the product of  $PS \times V$  exceeds 200 bar.l.

The purpose of EC surveillance is to ensure, as required by the second paragraph of Article 14, that the manufacturer duly fulfils the obligations arising under Article 13(2). Surveillance shall be performed by the approved inspection body which issued the EC type-examination certificate referred to in the first subparagraph of Article 10(4) where the vessels have been manufactured in accordance with an approved prototype or, if this is not the case, by the approved body to which the design and manufacturing schedule was sent in accordance with Article 8(1)(a).

*Article 13*

1 Where a manufacturer makes use of the procedure referred to in Article 12, he shall, before commencing manufacture, send the approved inspection body which issued the EC type-examination certificate or the certificate of adequacy a document describing the manufacturing processes and all of the predetermined systematic measures taken to ensure conformity of the pressure vessels to the standards referred to in Article 5(1) or the approved prototype.

2 The document referred to in paragraph 1 shall include:

- a a description of the means of manufacture and checking appropriate to the construction of the vessels;
- b an inspection document describing the appropriate examinations and tests to be carried out during manufacture, together with the procedures in respect thereof and the frequency with which they are to be performed;
- c an undertaking to carry out the examinations and tests in accordance with the inspection document referred to in point (b) and to have a hydrostatic test or, subject to the agreement of the Member State, a pneumatic test carried out on each vessel manufactured at a test pressure equal to 1,5 times the design pressure;

those examinations and tests shall be carried out under the responsibility of qualified staff who are sufficiently independent from production personnel, and shall be the subject of a report;

- d the addresses of the places of manufacture and storage and the date on which manufacture is to commence.

3 When the product of PS x V exceeds 200 bar.l, manufacturers shall authorise access to the said places of manufacture and storage by the body responsible for EC surveillance, for inspection purposes, and shall allow that body to select sample vessels and shall provide it with all necessary information, and in particular:

- a the design and manufacturing schedule;
- b the inspection report;
- c the EC type-examination certificate or certificate of adequacy, where appropriate;
- d a report on the examinations and tests carried out.

#### *Article 14*

The approved inspection body which issued the EC type-examination certificate or certificate of adequacy shall, before the date on which any manufacture begins, examine both the document referred to in Article 13(1) and the design and manufacturing schedule referred to in point 3 of Annex II, in order to certify its conformity, where vessels are not manufactured in accordance with an approved prototype.

In addition, where the product of PS x V exceeds 200 bar.l, that body shall during manufacture:

- (a) ensure that the manufacturer actually checks series-produced vessels in accordance with Article 13(2)(c);
- (b) take random samples at the places of manufacture or at the place of storage of vessels for inspection purposes.

The approved inspection body shall supply the Member State which approved it and, on request, the other approved inspection bodies, the other Member States and the Commission, with a copy of the inspection report.