

Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (Text with EEA relevance)

## CHAPTER 3

### CONFORMITY OF TRANSPORTABLE PRESSURE EQUIPMENT

#### *Article 12*

#### **Conformity of transportable pressure equipment and its assessment**

1 The transportable pressure equipment referred to in Article 1(2)(a) shall meet the relevant conformity assessment, periodic inspection, intermediate inspection and exceptional checks requirements set out in the Annexes to Directive 2008/68/EC and in Chapters 3 and 4 of this Directive.

2 The transportable pressure equipment referred to in Article 1(2)(b) shall meet the specifications of the documentation according to which the equipment was manufactured. The equipment shall be subject to periodic inspections, intermediate inspections and exceptional checks in accordance with the Annexes to Directive 2008/68/EC and with the requirements of Chapters 3 and 4 of this Directive.

3 Certificates of conformity assessment and certificates of reassessment of conformity and reports of periodic inspections, intermediate inspections and exceptional checks issued by a notified body shall be valid in all Member States.

For demountable parts of refillable transportable pressure equipment a separate conformity assessment may be carried out.

#### *Article 13*

#### **Reassessment of conformity**

The reassessment of conformity of transportable pressure equipment referred to in Article 1(2)(c) manufactured and put into service before the date of implementation of Directive 1999/36/EC shall be established in accordance with the conformity reassessment procedure set out in Annex III to this Directive.

The Pi marking shall be affixed in accordance with Annex III to this Directive.

#### *Article 14*

#### **General principles of the Pi marking**

1 The Pi marking shall only be affixed by the manufacturer or, in cases of reassessment of conformity, as set out in Annex III. For gas cylinders previously in compliance with Directives 84/525/EEC, 84/526/EEC or 84/527/EEC the Pi mark shall be affixed by or under the surveillance of the notified body.

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- 2 The Pi marking shall be affixed only to transportable pressure equipment which:
- a meets the conformity assessment requirements in the Annexes to Directive 2008/68/EC and in this Directive; or
  - b meets the reassessment of conformity requirements referred to in Article 13.

It shall not be affixed to any other transportable pressure equipment.

3 By affixing or having affixed the Pi marking, the manufacturer indicates that he takes responsibility for the conformity of the transportable pressure equipment with all applicable requirements set out in the Annexes to Directive 2008/68/EC and in this Directive.

4 For the purposes of this Directive, the Pi marking shall be the only marking which attests conformity of the transportable pressure equipment with the applicable requirements set out in the Annexes to Directive 2008/68/EC and in this Directive.

5 The affixing on transportable pressure equipment of markings, signs and inscriptions which are likely to mislead third parties as to the meaning or form of the Pi marking, shall be prohibited. Any other marking shall be affixed to the transportable pressure equipment in such a way that the visibility, legibility and meaning of the Pi marking are not thereby impaired.

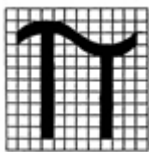
6 Demountable parts of refillable transportable pressure equipment with a direct safety function shall be Pi-marked.

7 Member States shall ensure correct implementation of the rules governing the Pi marking and shall take appropriate action in the event of improper use of the marking. Member States shall also provide for penalties for infringements, which may include criminal sanctions for serious infringements. Those penalties shall be proportionate to the seriousness of the offence and constitute an effective deterrent against improper use.

#### *Article 15*

#### **Rules and conditions for the affixing of the Pi marking**

- 1 The Pi marking shall consist of the following symbol in the following form:



2 The minimum height of the Pi marking shall be 5 mm. For transportable pressure equipment with a diameter less than or equal to 140 mm the minimum height shall be 2,5 mm.

3 The proportions given in the graduated drawing in paragraph 1 shall be respected. The grid does not form part of the marking.

4 The Pi marking shall be affixed visibly, legibly and permanently to the transportable pressure equipment or to its data plate as well as to demountable parts of refillable transportable pressure equipment having a direct safety function.

5 The Pi marking shall be affixed before the new transportable pressure equipment or demountable parts of refillable transportable pressure equipment having a direct safety function are placed on the market.

6 The Pi marking shall be followed by the identification number of the notified body involved in the initial inspections and tests.

The identification number of the notified body shall be affixed by the body itself, or under its instructions, by the manufacturer.

7 The marking of the date of the periodic inspection or, where appropriate, the intermediate inspection shall be accompanied by the identification number of the notified body responsible for the periodic inspection.

8 With regard to gas cylinders previously in compliance with Directives 84/525/EEC, 84/526/EEC or 84/527/EEC not bearing the Pi marking, when the first periodic inspection is carried out in accordance with this Directive, the identification number of the notified body responsible shall be preceded by the Pi marking.

#### *Article 16*

### **Free movement of transportable pressure equipment**

Without prejudice to the safeguard procedures in Articles 30 and 31 of this Directive and to the market surveillance framework set out in Regulation (EC) No 765/2008<sup>(1)</sup>, no Member State shall prohibit, restrict or impede on its territory the free movement, the making available on the market and the use of transportable pressure equipment, which complies with this Directive.

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- (1) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products (OJ L 218, 13.8.2008, p. 30).