

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 6

FINAL PROVISIONS

Article 34

Transitional provisions

Within their territory, Member States may maintain the provisions listed in Annex II. Member States which maintain such provisions shall inform the Commission thereof. The Commission shall inform the other Member States.

Article 35

Adaptation to scientific and technical progress

The Commission may adopt delegated acts in accordance with Article 290 TFEU as regards adaptations of the Annexes to this Directive to scientific and technical progress, in particular taking into account amendments to the Annexes to Directive 2008/68/EC.

For the delegated acts referred to in this Article, the procedures set out in Articles 36, 37 and 38 shall apply.

Article 36

Exercise of delegation

1 The powers to adopt the delegated acts referred to in Article 35 shall be conferred on the Commission for an indeterminate period of time.

2 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.

3 The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 37 and 38.

Article 37

Revocation of the delegation

1 The delegation of power referred to in Article 35 may be revoked by the European Parliament or by the Council.

2 The institution which has commenced an internal procedure for deciding whether to revoke the delegation of powers shall endeavour to inform the other institution and the

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Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

3 The decision of revocation shall put an end to the delegation of the powers specified in that decision and shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.

Article 38

Objections to delegated acts

1 The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.

At the initiative of the European Parliament or the Council this period shall be extended by two months.

2 If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the *Official Journal of the European Union* and shall enter into force at the date stated therein.

The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3 If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Article 39

Repeal

Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC are repealed with effect from 1 July 2011.

References to the repealed Directive 1999/36/EC shall be construed as references to this Directive.

Article 40

Recognition of equivalence

1 EEC pattern approval certificates for transportable pressure equipment issued pursuant to Directives 84/525/EEC, 84/526/EEC and 84/527/EEC and EC design-examination certificates issued pursuant to Directive 1999/36/EC shall be recognised as equivalent to the type approval certificates referred to in the Annexes to Directive 2008/68/EC and shall be subject to the provisions on time-limited recognition of type approvals set out in those Annexes.

2 Valves and accessories referred to in Article 3(3) of Directive 1999/36/EC and marked with the mark of Directive 97/23/EC⁽¹⁾ according to Article 3(4) of Directive 1999/36/EC may still be used.

Article 41

Obligations on Member States

Member States shall take the necessary measures to ensure that the economic operators concerned comply with the provisions set out in Chapters 2 and 5. Member States shall also ensure that the necessary implementing measures are taken in respect of Articles 12 to 15.

Article 42

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2011 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

3 Notwithstanding paragraph 1, Member States shall ensure that Article 21(2)(d) applies with effect from 1 January 2012 at the latest.

4 Member States shall ensure the laws, regulations and administrative provisions referred to in paragraph 1 apply to pressure receptacles, their valves and other accessories used for the carriage of UN No 1745, UN No 1746 and UN No 2495 from 1 July 2013 at the latest.

Article 43

Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 44

Addressees

This Directive is addressed to the Member States.

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- (1) Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment ([OJ L 181, 9.7.1997, p. 1](#)).