
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose [Directive 2014/29/EU](#) of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of member States relating to the making available on the market of simple pressure vessels (recast) (OJ L 96, 29.3.2014, p.45) (“the Directive”).

The Directive repeals and replaces [Directive 2009/105/EC](#) of the European Parliament and of the Council of 16 September 2009 relating to simple pressure vessels (OJ L 264, 8.10.2009, p.12) which was implemented in the United Kingdom by the Simple Pressure Vessels (Safety) Regulations 1991 (S.I. 1991/2749) (as amended). These Regulations revoke and replace [S.I. 1991/2749](#).

Regulation 3 sets out the application of the Regulations to vessels as defined in Regulation 2 which are divided into two categories, Category A vessels, which are vessels of which the product of PSxV exceeds 50 bar.L, and Category B vessels, being vessels of which the product of PSxV is 50 bar.L or less. It also sets out exceptions to the application of the Regulations for certain vessels designed or intended for nuclear use, the propulsion of ships or aircraft, and for fire extinguishers.

Part 2 sets out the obligations of economic operators. Regulations 4 to 16 set out the obligations that are specific to manufacturers. Category A vessels must undergo a conformity assessment to demonstrate compliance with the essential safety requirements of the Regulations, and Category B vessels (of a lower capacity and pressure and therefore a lower risk than Category A) must be designed and manufactured in accordance with sound engineering practice. Obligations include ensuring that a Category A vessel has been designed and manufactured in accordance with the essential safety requirements set out in Schedule 1, having a relevant conformity assessment procedure carried out before the vessel is placed on the market, affixing the CE marking and labelling the vessel. Regulations 15 and 16 refer to authorised representatives who may be appointed by manufacturers to perform certain tasks on their behalf.

Regulations 17 to 27 set out the obligations that are specific to importers. These obligations include ensuring that they are not placing on the market vessels which are not in conformity with the essential safety requirements, checking that the manufacturer has carried out a relevant conformity assessment procedure and labelled the vessels correctly and indicating on the vessel the name and address of the importer.

Regulations 28 to 34 set out the obligations that are specific to distributors. These obligations include acting with due care to ensure that vessels are in conformity with Part 2 and checking that the vessels bear the CE marking and are labelled correctly. They also include an obligation to ensure that, while it is the distributor’s responsibility, the storage and transport of a Category A vessel does not jeopardise its conformity with the essential safety requirements.

Regulations 35 to 38 set out obligations which apply to all economic operators. These obligations include making sure, before making a Category A vessel available on the market, that the EU declaration of conformity is in English. They also include an obligation to identify other economic operators in the supply chain, and a prohibition on the improper use of the CE marking.

Part 3 sets out provisions concerning the conformity assessment procedure, declarations of conformity and CE marking for Category A vessels.

Part 4 sets out provisions concerning the bodies which carry out conformity assessment procedures under the Regulations.

Part 5 sets out provisions for market surveillance and enforcement of these Regulations. Regulation 54 identifies the market surveillance authority which has an obligation to enforce the

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Regulations. Regulation 56 and Schedules 5-8 provide for the enforcement powers which the enforcing authorities are to have. Regulation 64 provides for the contravention of certain provisions of these Regulations to be an offence. Regulation 65 sets out the penalties that are to apply for offences under these Regulations.

Part 6 sets out a review provision and transitional provisions and consequential amendments. A certificate issued under certain provisions of the Simple Pressure Vessels (Safety) Regulations 1991 (S.I. 1991/2749 as amended) will be valid under these Regulations, and those Regulations will continue to apply to vessels placed on the market before the commencement date. Regulation 78 makes consequential amendments.

A transposition note and full impact assessment of the impact that these Regulations will have on the costs of business, the voluntary sector and the public sector are available from the Single Market Product Safety Team, Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET and are also published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.