

Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (recast) (Text with EEA relevance)

## CHAPTER 6

### COMMITTEE PROCEDURE AND DELEGATED ACTS

#### *Article 44*

#### **Committee procedure**

1 The Commission shall be assisted by the Committee on Pressure Equipment. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

4 Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

5 The committee shall be consulted by the Commission on any matter for which consultation of sectoral experts is required by Regulation (EU) No 1025/2012 or by any other Union legislation.

The committee may furthermore examine any other matter concerning the application of this Directive raised either by its chair or by a representative of a Member State in accordance with its rules of procedure.

#### *Article 45*

#### **Delegated power**

1 In order to take into account emerging very serious safety reasons, the Commission shall be empowered to adopt delegated acts in accordance with Article 46 reclassifying pressure equipment or assemblies so as to:

- a make an item or family of pressure equipment referred to in Article 4(3) subject to the requirements of Article 4(1);
- b make an assembly or family of assemblies referred to in Article 4(3) subject to the requirements of Article 4(2);
- c classify an item or family of pressure equipment, by way of derogation from the requirements of Annex II, in another category.

2 A Member State having concerns about the safety of pressure equipment or assemblies shall immediately inform the Commission of its concerns and provide reasons in support.

3 Prior to adopting a delegated act the Commission shall carry out a thorough assessment of the risks that require reclassification.

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*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

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## Article 46

### Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 45 shall be conferred on the Commission for a period of five years from 1 June 2015. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 45 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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

5 A delegated act adopted pursuant to Article 45 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.