

TRANSPOSITION NOTE

EU Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to the making available on the market of simple pressure vessels.

1. This Transposition Note has been prepared by the UK's Department for Business, Energy and Industrial Strategy and is intended to explain how the 2014 Directive is implemented in the UK.
2. This instrument is being made in order to implement the provisions of the revised EU Directive on simple pressure vessels ("SPV") (2014/29/EU), which entered into force on 20 April 2016.
3. This instrument will replace and repeal the current Regulations (the Simple Pressure Vessels (Safety) Regulations 1991) as amended.
4. The Regulations do not go beyond what is necessary to implement the 2014 Directive.
5. The Secretary of State is responsible for taking measures to implement the 2014 Directive.

TRANSPOSITION OF DIRECTIVE 2014/29/EU

Article	Objective of the Article	Implementation
1	Scope	
1(1)	The Directive shall apply to simple pressure vessels with certain specified characteristics	Regulation 2(1); Regulation 3(1) 1(1)(a) – (e) have been moved to the definition section, and used in the definition of simple pressure vessels.
1(2)	Removal of certain vessels from scope	Regulation 3(2)
2	Definitions	Regulation 2
4	Category A vessels must satisfy essential requirements. Category B vessels must be designed and manufactured in accordance with sound engineering practice.	Regulation 4
5	Requirement on Member States not to impede free movement	Unnecessary to implement this explicitly.

Article	Objective of the Article	Implementation
6(1)	Obligation to ensure design and manufacture of Category A vessels is in accordance with essential safety requirements and that of Category B vessels is in accordance with sound engineering practice	Regulation 4
6(2)	Obligation to draw up technical documentation, declaration of conformity and affix CE marking	Regulations 5, 6 and 7
6(3)	Requirement for retention of technical documentation and declaration of conformity	Regulation 8
6(4) para 1	Obligation to ensure procedures for series production to remain in conformity.	Regulation 9
6(4) para 2	Requirement to carry out sample testing and monitoring	Regulation 10
6(5)	Requirement to ensure proper labelling to allow for identification	Regulation 11(1)(a)
6(6)	Requirement to indicate name, trade name or trade mark and address and contact details must be in a language easily understood by end-users and market surveillance authorities	Regulation 11(1)(b) and 11(2)
6(7)	Manufacturers must ensure that a vessel is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users as determined by the Member State concerned.	Regulation 12
6(8)	<p><u>Obligation 1:</u> Manufacturers who consider or have reason to believe that they have placed on the market a vessel not in conformity with the Directive must immediately take corrective action to bring that vessel into conformity, to withdraw it or recall it.</p> <p><u>Obligation 2:</u> Where a vessel presents a risk, manufacturers must immediately inform the competent national authorities of the Member States in which the article has been made available to that effect, giving details of the non-compliance and any corrective measures taken.</p>	Regulation 13
6(9)	Manufacturers must, further to a reasoned request from a competent national authority, provide it with information and documentation to demonstrate conformity with the Directive, in a language which can be easily understood, and cooperate with the authority on any action to eliminate risks posed by vessels	Regulation 14
7(1)	A manufacturer may appoint an authorised representative by written mandate. Key obligations to ensure conformity and draw up technical documentation must not be delegated to the authorised representative	Regulation 15(1), 16(1)

Article	Objective of the Article	Implementation
7(2)	Obligations on authorised representative to perform tasks and requirements for mandate	Regulation 16(2)
8(1)	Importers must only place compliant vessels on the market	Regulation 17
8(2)	<p><u>Obligation 1</u>: Importers of a Category A vessel must ensure conformity assessment procedure has been carried out, and check technical documentation, markings, required documents.</p> <p><u>Obligation 2</u>: Where an importer considers a category A vessel is not in conformity he must not place the vessel on the market, and where it presents a risk the importer must inform the manufacturer and market surveillance authority</p> <p><u>Obligation 3</u>: An importer of a category B vessel must ensure it has been designed and manufactured in accordance with sound engineering practice and the inscriptions and requirements have been complied with.</p>	Regulations 18, 19, 20
8(3)	Importers must indicate their name and address on the vessel or a document accompanying the vessel in a language easily understood by end-users and market surveillance authorities.	Regulation 21
8(4)	Importers must ensure vessel is accompanied by instructions and safety information in a language easily understood by end-users as determined by the Member State	Regulation 22
8(5)	Importers must ensure that while a Category A vessel is under their responsibility, its storage and transport do not jeopardise its compliance with the essential safety requirements.	Regulation 23
8(6)	<p><u>Obligation 1</u>: When deemed appropriate with regard to the risks presented by a vessel, importers must carry out certain monitoring activities and keep a register.</p> <p><u>Obligation 2</u>: Importers must keep distributors informed of monitoring activities.</p>	Regulation 24

Article	Objective of the Article	Implementation
8(7)	<p><u>Obligation 1:</u> Importers who consider or have reason to believe that they have placed on the market a vessel not in conformity with the Directive must immediately take corrective action to bring that vessel into conformity, to withdraw it or recall it.</p> <p><u>Obligation 2:</u> Where a vessel presents a risk, importers must immediately inform the competent national authorities of the Member States in which the vessel has been made available to that effect, giving details of the non-compliance and any corrective measures taken</p>	Regulation 25
8(8)	Importers must keep the technical documentation and the EU declaration of conformity for 10 years after a Category A vessel is placed on the market.	Regulation 26
8(9)	<p><u>Obligation 1:</u> Importers must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a vessel with the Directive in a language which can be easily understood by the market surveillance authority.</p> <p><u>Obligation 2:</u> Importers must cooperate with the authority on action taken to eliminate risks posed by vessels placed on the market.</p>	Regulation 27
9(1)	When making a vessel available on the market, distributors must act with due care.	Regulation 28
9(2)	<p><u>Obligation 1:</u> Before a distributor makes a Category A or B vessel available on the market, he must ensure that the manufacturer and importer have satisfied certain obligations and that the vessel is accompanied by the required documents in a language which can be easily understood by end-users in the member State concerned.</p> <p><u>Obligation 2:</u> Where a distributor considers, or has reason to believe, that a Category A vessel is not in conformity with the essential safety requirements he must not make it available on the market.</p> <p><u>Obligation 3:</u> Where the vessel presents a risk, the distributor must inform the manufacturer or the importer and the market surveillance authorities.</p>	<p><u>Obligation 1:</u> Regulations 29 and 31</p> <p><u>Obligation 2:</u> Regulation 30(1)</p> <p><u>Obligation 3:</u> Regulation 30(2)</p>
9(3)	Distributors must ensure that while a Category A vessel is under their responsibility, they do not jeopardise its compliance with the essential safety requirements.	Regulation 32

Article	Objective of the Article	Implementation
9(4)	<p><u>Obligation 1:</u> Distributors who consider, or have reason to believe, that a vessel which they have made available on the market is not in conformity must make sure that corrective measures are taken to bring that article into conformity, withdraw it or recall it.</p> <p><u>Obligation 2:</u> Where the vessel presents a risk, the distributor must immediately inform the competent national authorities of the Member States in which they made the vessel available.</p>	<p><u>Obligation 1:</u> Regulation 33(1)</p> <p><u>Obligation 2:</u> Regulation 33(2)</p>
9(5)	<p><u>Obligation 1:</u> Distributors must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a vessel with the Directive</p> <p><u>Obligation 2:</u> Distributors must cooperate with the authority on action taken to eliminate risks posed by vessels made available on the market.</p>	Regulation 34(1), 34(4)(b)
10	Importers and distributors to be treated as manufacturers where they place a vessel on the market under their name or modify it in a way that affects its compliance with the Directive.	Regulation 35
11	Economic operators must, on request identify other economic operators in the supply chain. They must be able to do this for 10 years after the supply of a vessel.	Regulation 37
12	Category A vessels are presumed to be in conformity with the essential safety requirements to the extent that they are in conformity with a harmonised standard covering those requirements.	Regulation 39
13(1)	Prior to manufacture of a Category A vessel the manufacturer must follow the EU-type examination (Module B) procedure in one of the ways set out	Regulation 40
13(2)	Prior to placing on the market of a vessel the manufacturer must follow one of the listed procedures	Regulation 41
13(3)	The records and correspondence shall be drawn up in a language of the Member State in which the notified body is established or a language acceptable to the notified body.	Regulation 42
14(1)	The EU declaration of conformity must state that the fulfilment of the essential safety requirements has been demonstrated	Regulation 43(a)

Article	Objective of the Article	Implementation
14(2)	<p><u>Obligation 1:</u> The EU declaration of conformity must have the model structure set out in Annex IV of the Directive.</p> <p><u>Obligation 2:</u> The EU declaration of conformity must contain the elements specified in the relevant modules set out in Annex II of the Directive.</p> <p><u>Obligation 3:</u> The EU declaration of conformity must be continuously updated.</p> <p><u>Obligation 4:</u> The EU declaration of conformity must be translated into the language required by the Member State in which the vessel is placed or made available on the market.</p>	<p><u>Obligation 1:</u> Regulation 43(b)</p> <p><u>Obligation 2:</u> Regulation 43(c)</p> <p><u>Obligation 3:</u> Regulation 6(4)</p> <p><u>Obligation 4:</u> Regulation 36</p>
14(3)	<p>Where a vessel is subject to more than one Union act requiring an EU declaration of conformity, a single declaration must be drawn up.</p> <p>The declaration must contain the identification of the Union acts concerned.</p>	Regulation 6(5)
14(4)	By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the vessel with the requirements of the Directive	It is unnecessary to implement this requirement.
15	The CE marking is subject to the general principles in Article 30 of Regulation (EC) No 765/2008	Regulation 38 This obligation has been implemented by setting out the principles contained in Article 30 of Regulation (EC) No 765/2008 as enforceable prohibitions.
16(1)	The CE marking must be affixed visibly, legibly and indelibly to the vessel or to its data plate.	Regulation 44(1), 6(1), 6(3)
16(2)	The CE marking must be affixed before the vessel is placed on the market.	Regulation 6(1)
16(3)	The CE marking must be followed by the identification number of the notified body, where that body is involved in the production control phase. The identification number must be affixed by the body itself, or under its instruction, by the manufacturer.	Regulation 44(1), 44(2)
16(4)	The CE marking may be followed by any other mark indicating a special risk or use	It is not necessary to implement this Article.

Article	Objective of the Article	Implementation
16(5)	Member States must build on existing mechanisms to ensure correct application of the regime governing CE marking and must take appropriate action in the event of improper use.	Regulation 38, 62 The UK implements this obligation by prohibiting the improper use of the CE marking, and in particular by enforcing the requirements set out in Article 30 of Regulation (EC) 765/2008.
Article 17	Member States must notify the Commission and other Member States of bodies authorised to carry out third-party conformity assessment tasks.	Regulations 46
18(1)	Member States must designate a notifying authority which is to be responsible for assessment and notification of conformity assessment bodies and the monitoring of notified bodies.	The Secretary of State will be the notifying authority so no implementation is required.
18(2)	Member States may decide that the assessment and monitoring is to be carried out by a national accreditation body.	Regulation 50 The United Kingdom is using this flexibility to allow the UK Accreditation Service to carry out assessments and monitoring.
19(1)	A notifying authority must be established in such a way that no conflict of interest with conformity assessment bodies occurs	It is not necessary to implement this explicitly. The Secretary of State does not have a conflict of interest with conformity assessment bodies.
19(2)	A notifying authority must be organised and operated so as to safeguard the objectivity and impartiality of its activities.	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by operating in an objective and impartial manner.
19(3)	A notifying authority must be organised so that each decision on notification is taken by competent persons, different from those who carried out the assessment	It is not necessary to implement this explicitly. It is expected that the United Kingdom Accreditation Service will carry out the assessment and the Secretary of State (operating through his officials) will decide on notification.

Article	Objective of the Article	Implementation
19(4)	A notifying authority must not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.	It is not necessary to implement this explicitly. This obligation will be satisfied by the Secretary of State not performing such services on a commercial or competitive basis.
19(5)	A notifying authority must safeguard the confidentiality of the information it obtains.	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by maintaining confidentiality.
19(6)	A notifying authority must have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by ensuring that he has a sufficient number of competent personnel to perform his tasks.
20	Member States must inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies.	It is not necessary to implement this explicitly.
21(1)	For the purposes of notification, a conformity assessment body must meet the requirements in paragraphs 2 to 11.	Regulation 46(4)
21(2)	A conformity assessment must be established under the national law of a Member State and have legal personality.	Schedule 4, paragraph 1
21(3)	A conformity assessment body must be third-party body independent of the organisation or the vessel it assesses	Schedule 4, paragraph 2

Article	Objective of the Article	Implementation
21(4)	<p><u>Obligation 1:</u> A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be the designer, manufacturer, supplier, owner etc. of the vessels.</p> <p><u>Obligation 2:</u> A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be directly involved in the design, manufacture, marketing etc. of the vessels. They must not engage in any activity which may conflict with their independence or integrity.</p> <p><u>Obligation 3:</u> Conformity assessment bodies must ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.</p>	<p><u>Obligation 1:</u> Schedule 4, paragraph 3</p> <p><u>Obligation 2:</u> Schedule 4, paragraphs 4</p> <p><u>Obligation 3:</u> Schedule 4, paragraph 5</p>
21(5)	<p>Conformity assessment bodies must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence and must be free from pressures and inducements which might influence their judgement.</p>	<p>Schedule 4, paragraph 6</p>
21(6)	<p><u>Obligation 1:</u> A conformity assessment body must be capable of carrying out the conformity assessment tasks assigned to it and in relation to which it has been notified.</p> <p><u>Obligation 2:</u> A conformity assessment body must have at its disposal: (a) personnel with technical knowledge and sufficient experience; (b) the descriptions of procedures in accordance with which conformity assessment is carried out; (c) the procedure for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, the degree of complexity of the product technology etc.</p> <p><u>Obligation 3:</u> A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner.</p>	<p><u>Obligation 1:</u> Schedule 4, paragraph 7</p> <p><u>Obligation 2:</u> Schedule 4, paragraph 8</p> <p><u>Obligation 3:</u> Schedule 4, paragraph 9</p>

Article	Objective of the Article	Implementation
21(7)	The personnel responsible for carrying out conformity assessment tasks must have: (a) sound technical and vocational training covering all the relevant conformity assessment activities; (b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority; (c) appropriate knowledge and understanding of the essential safety requirements, the relevant harmonised standards and legislation; (d) the ability to draw up certificates, records and reports.	Schedule 4, paragraph 10
21(8)	<u>Obligation 1:</u> The impartiality of the conformity assessment bodies, their top level management and the personnel responsible for carrying out conformity assessment tasks must be guaranteed. <u>Obligation 2:</u> The remuneration of the top level management and personnel responsible for carrying out conformity assessment tasks must not depend on the number of assessments carried out or on the results of the assessments.	<u>Obligation 1:</u> Schedule 4, paragraph 11 <u>Obligation 2:</u> Schedule 4, paragraph 12
21(9)	Conformity assessment bodies must take out liability insurance unless liability is assumed by the State or the Member State is responsible for the conformity assessment.	Schedule 4, paragraph 13
21(10)	<u>Obligation 1:</u> The personnel of a conformity assessment body must observe professional secrecy, except in relation to the competent authorities of the Member State in which it is carrying out its activities. <u>Obligation 2:</u> Proprietary rights must be protected.	<u>Obligation 1:</u> Schedule 4, paragraphs 14 and 15 <u>Obligation 2:</u> Schedule 4, paragraph 14
21(11)	Conformity assessment bodies must participate in, or ensure that their personnel are informed of, the relevant standardisation activities and the activities of the notified body coordination group and must apply as general guidance the administrative decisions and documents produced by that group.	Schedule 4, paragraph 16
22	Where a conformity assessment body demonstrates its conformity with the criteria laid down in relevant harmonised standards, it is to be presumed to comply with the requirements set out in Article 25 in so far as the applicable harmonised standards cover those requirements.	Regulation 47

Article	Objective of the Article	Implementation
23(1)	Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it must ensure that the subcontractor or the subsidiary meets the requirements set out in Article 25 and must inform the notifying authority accordingly.	Regulation 53(1)(a)
23(2)	Notified bodies must take full responsibility for the tasks performed by subcontractor or subsidiary	Regulation 53(2))
23(3)	Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.	Regulation 53(1)(c)
23(4)	Notified bodies must keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them.	Regulation 53(3)
24(1)	A conformity assessment body must submit an application for notification to the notifying authority of the Member State in which it is established.	Regulation 46(3)
24(2)	The application must be accompanied by a description of the conformity assessment activities, the conformity assessment module for which the body claims to be competent, as well as by any accreditation certificate issued by a national accreditation body.	Regulation 46(3)(b)
24(3)	Where the conformity assessment body cannot provide an accreditation certificate, it must provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements in Article 21.	Regulation 46(3)(c)
Article 25	Notification Procedure	
25(1)	Notifying authorities may notify only conformity assessment bodies which have satisfied the requirements in Article 21.	Regulation 46(1), (2), (4) and (6)
25(2)	They must notify the Commission and other Member States using the electronic notification tool developed and managed by the Commission.	Unnecessary to implement explicitly. The Secretary of State will satisfy this obligation by actually making the notifications using the electronic notification tool.
25(3)	The notification must include full details of the conformity assessment activities, the conformity assessment module and vessels concerned and the relevant attestation of competence.	Regulation 48

Article	Objective of the Article	Implementation
25(4)	Where a notification is not based on an accreditation certificate, the notifying authority must provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that the body is monitored regularly and will continue to satisfy the requirements laid down in Article 21.	Regulation 48(c)
25(5)	The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or other Member States within 2 weeks, where an accreditation certificate is used, or 2 months otherwise. Only such a body is to be considered a notified body for the purposes of this Directive.	Regulation 45(1)(b)
25(6)	The notifying authority must notify the Commission and other Member States of any subsequent relevant changes to the notification.	Regulation 51(5)
26(1)	<p><u>Obligation 1:</u> The Commission must assign an identification number to a notified body.</p> <p><u>Obligation 2:</u> It must assign a single such number even where the body is notified under several Union acts.</p>	It is not necessary to implement these obligations because these are obligations on the European Commission.
26(2)	<p><u>Obligation 1:</u> The Commission must make publicly available the list of notified bodies.</p> <p><u>Obligation 2:</u> The Commission must ensure that the list is kept up to date.</p>	It is not necessary to implement these obligations because these are obligations on the European Commission.
27(1)	<p><u>Obligation 1:</u> Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 21 or that it is failing to fulfil its obligations, the notifying authority must restrict, suspend or withdraw notification, depending on the seriousness of the failure.</p> <p><u>Obligation 2:</u> The notifying authority must immediately inform the Commission and the other Member States.</p>	<p><u>Obligation 1:</u> Regulation 51(1), (3) and (4)</p> <p><u>Obligation 2:</u> Regulation 51(5)</p>
27(2)	In the event of a restriction, suspension or withdrawal of notification, or where the notified body has ceased activity, the notifying Member State must take appropriate steps to ensure that the files are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities.	Regulation 51(6)

Article	Objective of the Article	Implementation
28(1)	The Commission must investigate any doubts regarding the competence of a notified body or whether the body is fulfilling its responsibilities.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
28(2)	The notifying Member State must provide the Commission, on request, with information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.	It is not necessary to implement this obligation explicitly. The Secretary of State will satisfy this obligation by providing any such information that is requested.
28(3)	The Commission must ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
28(4)	Where the Commission ascertains that a notified body does not meet, or no longer meets, the requirements for notification, it must adopt an implementing act requesting the notifying Member State to take the necessary corrective action.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
29(1)	Notified bodies must carry out conformity assessments in accordance with the conformity assessment procedures set out in Annex II.	Regulation 52 (2) and Schedule 4, paragraph 17
29(2)	<p><u>Obligation 1</u>: Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators.</p> <p><u>Obligation 2</u>: Conformity assessment bodies shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the vessel technology in question and the mass or serial nature of the production process.</p> <p><u>Obligation 3</u>: Conformity assessment bodies shall respect the degree of rigour and the level of protection required for the compliance of the vessel with this Directive.</p>	<p><u>Obligation 1</u>: Regulation 52 and Schedule 4, para 18</p> <p><u>Obligation 2</u>: Regulation 52 and Schedule 4, para 19</p> <p><u>Obligation 3</u>: Regulation 52 and Schedule 4, para 20</p>
29(3)	Where a notified body finds that essential safety requirements set out in Annex 1 or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity.	Regulation 52 and Schedule 4, paragraph 21

Article	Objective of the Article	Implementation
29(4)	Where, in the course of monitoring of conformity following the issue of a certificate, a notified body finds that a vessel no longer complies, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate, if necessary.	Regulation 52 and Schedule 4, paragraph 22
29(5)	Where corrective measures are not taken or do not have the required effect, the notified body must restrict, suspend or withdraw any certificates.	Regulation 52 and Schedule 4, paragraph 23
30	Member States must ensure that an appeal procedure against decisions of the notified body is available.	Regulation 52 and Schedule 4, paragraph 27
31(1)	Notified bodies must inform the notifying authority of: (a) any refusal, restriction, suspension or withdrawal of a certificate; (b) any circumstances affecting the scope or conditions for notification; (c) any request for information received from market surveillance authorities; and (d) on request, conformity assessment activities performed etc.	Regulation 52 and Schedule 4, paragraph 26
31(2)	Notified bodies must provide other bodies notified under the Directive carrying out similar conformity assessment activities covering the same vessels with relevant information on issues relating to negative and, on request, positive conformity assessment results.	Regulation 52 and Schedule 4, paragraph 28
32	The Commission must provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
33	<u>Obligation 1</u> : The Commission must ensure that appropriate coordination and cooperation between notified bodies are put in place. <u>Obligation 2</u> : Member States must ensure that the bodies notified by them participate in the forum.	<u>Obligation 1</u> : Does not require implementation as it is an obligation on the Commission. <u>Obligation 2</u> : Regulation 52 and Schedule 4, paragraph 29
34	Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 apply to vessels covered by the Directive.	Part 5 and Schedules 7, 8 and 9 Regulation (EC) 765/2008 is directly applicable in United Kingdom law. Part 5 of these Regulations provides for enforcing authorities to use their powers to give effect to Regulation (EC) 765/2008.

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35(1)	<p><u>Obligation 1:</u> Where a market surveillance authority has reason to believe that a vessel presents a risk to health or safety of persons or to domestic animals or property, it must carry out an evaluation in relation to the vessel concerned.</p> <p><u>Obligation 2:</u> The relevant economic operators must cooperate as necessary with the market surveillance authorities for the purposes of the evaluation.</p> <p><u>Obligation 3:</u> Where, in the course of an evaluation, the market surveillance authority finds that a vessel does not comply, it must require the economic operator to take all appropriate corrective action within a reasonable period.</p> <p><u>Obligation 4:</u> The market surveillance authority must inform the relevant notified body accordingly.</p> <p><u>Obligation 5:</u> Article 21 of Regulation (EC) No 765/2008 applies to the corrective action required.</p>	<p><u>Obligation 1:</u> Regulations 58(1)</p> <p><u>Obligation 2:</u> Regulations 14(4)(a) and 27(4)(a)</p> <p><u>Obligation 3:</u> Regulation 59(1) and (9)</p> <p><u>Obligation 4:</u> Regulation 59(2)</p> <p><u>Obligation 5:</u> Regulation 63</p>
35(2)	Where the market surveillance authority considers that non-compliance is not restricted to their national territory, they must inform the Commission and other Member States of the result of the evaluation and the actions that it has required of the economic operator.	Regulation 59(4)
35(3)	The economic operator must ensure that all appropriate corrective action is taken in respect of all the vessels concerned that it has made available on the market.	Regulations 14(4)(b) and 27(4)(b) This obligation does not require further implementation as it is already reflected in the obligation to cooperate.
35(4)	<p><u>Obligation 1:</u> Where the relevant economic operator does not taken adequate corrective action, the market surveillance authority must take appropriate measures to prohibit or restrict the vessel being made available on the national market, to withdraw the vessel from the market or to recall it.</p> <p><u>Obligation 2:</u> The market surveillance authority must inform the Commission and the other Member States of those measures.</p>	<p><u>Obligation 1:</u> Regulation 59(5)</p> <p><u>Obligation 2:</u> Regulation 59(7)</p>

Article	Objective of the Article	Implementation
35(5)	<p><u>Obligation 1:</u> The information provided to the Commission and other Member States must include certain information, including data necessary for the identification of the vessel, the nature of the non-compliance and the risk, the nature of the national measures taken etc.</p> <p><u>Obligation 2:</u> The information provided must indicate whether the non-compliance is due to either failure to meet requirements under the Directive or shortcomings in the harmonised standards.</p>	<p><u>Obligation 1:</u> Regulation 59(8)</p> <p><u>Obligation 2:</u> Regulation 59(8)</p>
35(6)	Member States other than the one initiating the procedure must inform the Commission and other Member States of any measures adopted and any information at their disposal relating to the non-compliance of the vessel, and any objections to the adopted national measure.	Regulation 60(2)
35(7)	If no objections are raised within 3 months of receipt of the information, the measure is considered justified.	It is not necessary to implement this provision. It concerns a procedure that takes place at the EU level.
35(8)	Member States must ensure that appropriate restrictive measures are taken in respect of a vessel without delay.	Regulation 60(3)
36(1)	Where, on completion of the procedure in Article 35, objections are raised, the Commission must enter into consultation, evaluate the national measure, adopt an implementing act determining whether the national measure is justified and communicate its decision to Member States and relevant economic operators.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
36(2)	<p><u>Obligation 1:</u> If the national measure is considered justified, all Member States must take the necessary measures to ensure that the non-compliant vessel is withdrawn from their national market and inform the Commission accordingly.</p> <p><u>Obligation 2:</u> If the national measure is considered unjustified, the Member State concerned must withdraw that measure.</p>	<p><u>Obligation 1:</u> Regulation 60(4) and (6)</p> <p><u>Obligation 2:</u> Regulation 60(7)</p>
36(3)	Where the national measure is considered justified and the non-compliance is attributed to a shortcoming in the harmonised standards, the Commission must apply the procedure provided for in Regulation (EU) No 1025/2012.	It is not necessary to implement this obligation because it is an obligation on the European Commission.

Article	Objective of the Article	Implementation
37(1)	Where, having carried out an evaluation, a Member State finds that although a vessel is in compliance with the Directive, it presents a risk to the health or safety of persons or to other aspects of public interest protection, it must require the relevant economic operator to take all appropriate measures to ensure that the vessel, when placed on the market, no longer presents the risk, to withdraw the vessel or to recall it within a reasonable period.	Regulations 61(1) and (5)
37(2)	The economic operator must ensure that corrective action is taken in respect of all the vessels concerned that he has made available on the market throughout the Union.	Regulations 14(4)(b) and 27(4)(b) This obligation does not require further implementation as it is already reflected in the obligation to cooperate.
37(3)	The Member State must inform the Commission and other Member States and provide the data necessary to identify the vessel, the origin and the supply chain, the nature of the risk and the nature of the national measures taken.	Regulation 61(3) and (4)
37(4)	The Commission must enter into consultation, evaluate the national measures and decide whether the national measure is justified.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
37(5)	The Commission must address its decision to all Member States and the relevant economic operators.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
38(1)	Where a Member State makes a finding of formal non-compliance, it must require the relevant economic operator to put an end to the non-compliance concerned.	Regulation 62(1)
38(2)	Where the non-compliance persists, the Member State must take appropriate measures to restrict or prohibit the vessel being made available on the market or ensure that it is recalled or withdrawn from the market.	Regulation 62 (3)
39(1)	The Commission is to be assisted by the Committee on Simple Pressure Vessels.	It is not necessary to implement this obligation because it is an obligation on the European Commission.

Article	Objective of the Article	Implementation
39(2)	Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
39(3)	Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
39(4)	Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
39(5)	Consultation of the Committee	It is not necessary to implement this provision as it concerns a process at the EU level.
40	Member States must lay down rules on penalties applicable to infringements by economic operators of the provisions of national law adopted pursuant to this Directive and must take all measures necessary to ensure that they are enforced. Such rules may include criminal penalties for serious infringements. The penalties provided must be effective, proportionate and dissuasive.	Part 5 (and in particular, regulations 64 and 65)
41	Member State must not impede the making available on the market of vessels which are in conformity with Directive 2009/105/EC and which were placed on the market before 20 April 2016. Certificates issued by approved inspection bodies under Directive 2009/105/EC shall be valid under this Directive	Regulations 76 and 77.
42(1)	Member States must adopt and publish their implementing measures by 19 April 2016 and must apply them from 20 April 2016.	It is not necessary to implement this obligation explicitly.
	Where Member States adopt the measures referred to in paragraphs 1 and 2, they must contain a reference to this Directive. They must also include a statement that references in existing laws to the Directive repealed are to be construed as references to the new Directive.	These Regulations do contain a reference to the Directive in regulation 2(1) and in the Explanatory Note.
42(2)	Member States must communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	It is not necessary to implement this obligation explicitly. This obligation is implemented by communicating the main provisions to the Commission.

Article	Objective of the Article	Implementation
43	Directive 2009/105/EC is repealed from 20 April 2016. References to the repealed Directive are to be construed as reference to the new Directive.	It is not necessary to implement this obligation as it operates at the EU level.
44	The Directive enters into force on the twentieth day following its publication and certain articles apply from 20 April 2016	It is not necessary to implement this obligation as it operates at the EU level.
45	This Directive is addressed to Member States.	It is not necessary to implement this provision.
Annex I	Essential safety requirements	Schedule 1
Annex II	Conformity assessment procedures	Schedule 2
Annex III	Inscriptions, instructions definitions and symbols	Article 2(1), Schedule 1, Schedule 2
Annex IV	EU declaration of conformity	Schedule 3
Annex V	Repeals and time limits for transposition referred to Article 43	It is not necessary to implement this provision.
Annex VI	Correlation table	It is not necessary to implement this provision.