



Brussels, 11 July 2019

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON TRANSPORTABLE PRESSURE EQUIPMENT

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. Following a request by the United Kingdom, the European Council (Article 50) agreed on 11 April 2019¹ to extend further² the period provided for in Article 50(3) TEU until 31 October 2019.³ This means that the United Kingdom will be, as of 1 November 2019 ('the withdrawal date'), a 'third country'.^{4 5}

Preparing for the withdrawal is not just a matter for EU and national administrations but also for private parties.

In view of the uncertainties surrounding the ratification of the Withdrawal Agreement,⁶ all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to the transition period provided for in the Withdrawal Agreement,⁷ as of the withdrawal date the EU rules on transportable pressure equipment, and in particular Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on

¹ European Council Decision (EU) 2019/584, OJ L 101, 11.4.2019, p. 1.

² Following a request by the United Kingdom, the European Council had decided a first extension on 22 March 2019 (European Council Decision (EU) 2019/476, OJ L 80I, 22.3.2019, p. 1).

³ On 11 April 2019, following a second request for an extension by the United Kingdom, the European Council also decided that the decision to extend until 31 October 2019 would cease to apply on 31 May 2019 if the United Kingdom had not held elections to the European Parliament and had not ratified the Withdrawal Agreement by 22 May 2019. As the United Kingdom had not ratified the Withdrawal Agreement by 22 May 2019, it held European elections on 23 May 2019.

⁴ A third country is a country not member of the EU.

⁵ In addition, if the Withdrawal Agreement is ratified by both parties before that date, the withdrawal takes place on the first day of the month following the completion of the ratification procedures.

⁶ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ, C 144 I, 25.4.2019, p. 1.

⁷ It is recalled that, in order for the transition period to apply, the Withdrawal Agreement has to be ratified by the EU and the United Kingdom.

transportable pressure equipment⁸ and Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods⁹, no longer apply in the United Kingdom. This has in particular the following consequences:

1. TRANSPORTABLE PRESSURE EQUIPMENT PLACED ON THE UNION (EU-27) MARKET

Directive 2010/35/EU provides for rules ensuring the safety of transportable pressure equipment made available on the EU market.

Regarding the need for a certificate issued by a Notified Body established in one of the EU-27 Member States, the requirement for the authorised representative to be established within the EU-27 and the identification of the importer, please refer to the “*Notice to stakeholders – withdrawal of the United Kingdom and EU rules in the field of industrial products*” of 22 January 2018¹⁰ and the related “*Questions and Answers*” document of 1 February 2019.¹¹ The relevant criterion to determine the extent to which there may be consequences from the UK withdrawal for a specific product covered by Directive 2010/35/EU is the date of its placing on the Union (EU-27) market.

According to Article 12 of Directive 2010/35/EU, transportable pressure equipment in use is subject to periodic inspections, intermediate inspections and exceptional checks in accordance with the Annexes to Directive 2008/68/EC and Chapters 3 and 4 of Directive 2010/35/EU. In order to ensure the continuity of the free movement of transportable pressure equipment in use, as of the withdrawal date, any required periodic inspections, intermediate inspections and exceptional checks will need to be performed by an EU-27 Notified Body.

Article 13 of Directive 2010/35/EU provides that transportable pressure equipment manufactured and put into service before the date of implementation of Directive 1999/36/EC of 29 April 1999 on transportable pressure equipment¹² (repealed by Directive 2010/35/EU) requires a reassessment of conformity in accordance with the conformity assessment procedures set out in Annex III to Directive 2010/35/EU. As of the withdrawal date, the reassessment of conformity will need to be performed by an EU-27 Notified Body.

Directive 2010/35/EU does not apply to transportable pressure equipment exclusively used for the transport of dangerous goods between the territory of the Union and that of third countries¹³, which is carried out in accordance with Article 4 of Directive 2008/68/EC (see Section 2 below).

⁸ OJ L 165, 30.6.2010, p. 1.

⁹ OJ L 260, 30.9.2008, p. 13.

¹⁰ https://ec.europa.eu/info/sites/info/files/file_import/industrial_products_en_1.pdf.

¹¹ https://ec.europa.eu/info/sites/info/files/qa_brexit_industrial_products_en.pdf.

¹² OJ L 138, 1.6.1999, p. 20.

¹³ Article 1(4) of Directive 2010/35/EU.

2. TRANSPORTABLE PRESSURE EQUIPMENT USED EXCLUSIVELY FOR THE TRANSPORT OF DANGEROUS GOODS BETWEEN EU-27 MEMBER STATES AND THE UK AND VICE-VERSA

Directive 2008/68/EC lays down uniform rules for the safe transport of dangerous goods both within the EU and between Member States and third countries. The annexes to Directive 2008/68/EC contain, *inter alia*, the technical requirements applicable to transportable pressure equipment, to which Directive 2010/35/EU refers.

Directive 2008/68/EC sets up a common regime covering all aspects of the inland transport of dangerous goods based on relevant international agreements, including in particular the European Agreement concerning the International Carriage of Dangerous Goods by Road (“ADR”), the Convention concerning International Carriage by Rail (COTIF), which lays down in its Appendix C Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”), and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (“ADN”).

The majority of Member States, including the United Kingdom, are contracting parties to those international agreements in their own right (although the United Kingdom only to ADR and RID). The United Kingdom will therefore remain a contracting party to the ADR and RID agreements after its withdrawal from the EU.

Pursuant to Article 4 of Directive 2008/68/EC, “*the transport of dangerous goods between Member States and third countries shall be authorised in so far as it complies with the requirements of the ADR, RID or ADN, unless otherwise indicated in the Annexes.*”

This means that transportable pressure equipment complying with the requirements of the ADR or RID can normally continue to be accepted, as of the withdrawal date, for the international carriage of dangerous goods between the United Kingdom and Member States and vice-versa.¹⁴

The website of the Commission on EU rules on transport of dangerous goods (https://ec.europa.eu/transport/road_safety/topics/dangerous_goods_en) provides general information concerning Union legislation applicable to transportable pressure equipment. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Mobility and Transport

¹⁴ Regarding the free movement of transportable pressure equipment *within* the EU-27, see section 1 above.