

COMMISSION IMPLEMENTING DECISION (EU) 2021/2272**of 20 December 2021****amending Implementing Decision (EU) 2019/1616 as regards harmonised standards for seamless and welded stainless steel tubes, steel forgings for pressure purposes at high temperature and with high proof strength, unfired pressure vessels and vehicle fuelling appliances for natural gas vehicles****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 10(6) thereof,

Whereas:

- (1) In accordance with Article 12 of Directive 2014/68/EU of the European Parliament and of the Council ⁽²⁾, pressure equipment or assemblies referred to in Article 4(1) and (2) of that Directive which are in conformity with harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*, are to be presumed to be in conformity with the essential safety requirements covered by those standards or parts thereof referred to in Annex I to that Directive.
- (2) By letter M/071 of 1 August 1994 the Commission made a request to the European Committee for Standardisation (CEN) for drawing up, in relation to the pressure equipment, the product related standards and the standards of a horizontal nature in support of Directive 97/23/EC of the European Parliament and of the Council ⁽³⁾. That Directive was replaced by Directive 2014/68/EU without changing the essential safety requirements referred to in Annex I to Directive 97/23/EC.
- (3) On the basis of the request M/071, CEN drafted the harmonised standard EN 13445-10:2021 on unfired pressure vessels of nickel and nickel alloys and harmonised standard EN 17278:2021 on vehicle fuelling appliances for natural gas vehicles.
- (4) On the basis of the request M/071 and in order to reflect the state of the art, CEN revised and amended some of the existing harmonised standards. Specifically, CEN revised harmonised standards EN 10216-5:2013 and EN 10217-7:2014 the references of which have been published by Commission Communication 2016/C 293/01 ⁽⁴⁾ which resulted in adoption of harmonised standards EN 10216-5:2021 and EN 10217-7:2021, respectively, on seamless and welded stainless steel tubes for pressure purposes. CEN also amended the harmonised standards EN 10222-2:2017 and EN 10222-4:2017 the references of which have been published by Commission communication 2017/C 389/01 ⁽⁵⁾ which resulted in adoption of harmonised standards EN 10222-2:2017+A1:2021 and EN 10222-4:2017+A1:2021 on steel forgings for pressure purposes.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ 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 (OJ L 189, 27.6.2014, p. 164).

⁽³⁾ 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).

⁽⁴⁾ Commission communication in the framework of the implementation of Directive 2014/68/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 293, 12.8.2016, p. 1).

⁽⁵⁾ Commission communication in the framework of the implementation of Directive 2014/68/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 389, 17.11.2017, p. 1).

- (5) Additionally, CEN revised the following harmonised standards on unfired pressure vessels the references of which have been published by Communication 2016/C 293/01: EN 13445-1:2014, EN 13445-1:2014/A1:2014, EN 13445-4:2014, EN 13445-8:2014 and EN 13445-8:2014/A1:2014. This resulted in the adoption of, respectively, the following harmonised standards: EN 13445-1:2021, EN 13445-4:2021 and EN 13445-8:2021.
- (6) In addition, on the basis of the request M/071, CEN amended the following standards, the references of which are included in Annex I to Commission Implementing Decision (EU) 2019/1616 ⁽⁹⁾: EN 13445-2:2014, EN 13445-2:2014/A1:2016, EN 13445-2:2014/A2:2018, EN 13445-2:2014/A3:2018 on materials for unfired pressure vessels; EN 13445-3:2014, EN 13445-3:2014/A1:2015, EN 13445-3:2014/A2:2016, EN 13445-3:2014/A3:2017, EN 13445-3:2014/A4:2018, EN 13445-3:2014/A5:2018, EN 13445-3:2014/A6:2019, EN 13445-3:2014/A7:2019 and EN 13445-3:2014/A8:2019 on design of unfired pressure vessels; EN 13445-5:2014, EN 13445-5:2014/A1:2018 on inspection and testing for unfired pressure vessels and EN 13445-6:2014, EN 13445-6:2014/A2:2018 on design and fabrication of unfired pressure vessels constructed from spheroidal graphite cast iron. This resulted in the adoption of the harmonised standards EN 13445-2:2021, EN 13445-3:2021, EN 13445-5:2021 and EN 13445-6:2021.
- (7) The Commission together with CEN has assessed whether those standards on the pressure equipment as drafted, amended or revised by CEN comply with the request M/071.
- (8) The standards on the pressure equipment as drafted, amended or revised by CEN satisfy the requirements which they aim to cover and which are referred to in Annex I to Directive 2014/68/EU. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.
- (9) Annex I to Implementing Decision (EU) 2019/1616 lists the references of harmonised standards drafted in support of Directive 2014/68/EU. The references of harmonised standards EN 13445-10:2021, EN 17278:2021, EN 10216-5:2021, EN 10217-7:2021, EN 10222-2:2017+A1:2021, EN 10222-4:2017+A1:2021, EN 13445-1:2021, EN 13445-4:2021, EN 13445-8:2021, EN 13445-2:2021, EN 13445-3:2021, EN 13445-5:2021 and EN 13445-6:2021 should be included in that Annex.
- (10) Annex II to Implementing Decision (EU) 2019/1616 lists the references of harmonised standards drafted in support of Directive 2014/68/EU that are withdrawn from the *Official Journal of the European Union*. The following harmonised standards the references of which are published by communications 2016/C 293/01 and 2017/C 389/01 have been replaced, revised or amended: EN 10216-5:2013, EN 10217-7:2014, EN 10222-2:2017, EN 10222-4:2017, EN 13445-1:2014, EN 13445-1:2014/A1:2014, EN 13445-4:2014, EN 13445-8:2014, EN 13445-8:2014/A1:2014. The references of those standards should therefore be included in Annex II to Implementing Decision (EU) 2019/1616.
- (11) It is also necessary to withdraw the references of harmonised standards EN 13445-2:2014, EN 13445-3:2014, EN 13445-5:2014 and EN 13445-6:2014 together with any amendments thereof published by Implementing Decision (EU) 2019/1616, given that they have been replaced. It is therefore appropriate to delete those references from Annex I to that Implementing Decision.
- (12) In order to give manufacturers sufficient time to prepare for the application of the new standards, revised standards or amended standards, it is necessary to defer the withdrawal of the references of harmonised standards.
- (13) Implementing Decision (EU) 2019/1616 should therefore be amended accordingly.
- (14) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the date of its publication,

⁽⁹⁾ Commission Implementing Decision (EU) 2019/1616 of 27 September 2019 on the harmonised standards for pressure equipment drafted in support of Directive 2014/68/EU of the European Parliament and of the Council (OJ L 250, 30.9.2019, p. 95).

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2019/1616 is amended as follows:

- (1) Annex I is amended in accordance with Annex I to this Decision;
- (2) Annex II is amended in accordance with Annex II to this Decision.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Point (1) of Annex I shall apply from 21 June 2023.

Done at Brussels, 20 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex I is amended as follows:

- (1) entries 7, 8, 9 and 10 are deleted;
- (2) the following entries 7a, 8a, 9a and 10a are inserted in the appropriate place sequentially according to the number of the entry:

No	Reference of the standard
'7a.	EN 13445-2:2021 Unfired pressure vessels – Part 2: Materials'
'8a.	EN 13445-3:2021 Unfired pressure vessels – Part 3: Design'
'9a.	EN 13445-5:2021 Unfired pressure vessels – Part 5: Inspection and testing'
'10a.	EN 13445-6:2021 Unfired pressure vessels – Part 6: Requirements for the design and fabrication of pressure vessels and pressure parts constructed from spheroidal graphite cast iron';

- (3) the following entries are added:

No	Reference of the standard
'42.	EN 10216-5:2021 Seamless steel tubes for pressure purposes – Technical delivery conditions – Part 5: Stainless steel tubes
43.	EN 10217-7:2021 Welded steel tubes for pressure purposes – Technical delivery conditions – Part 7: Stainless steel tubes
44.	EN 10222-2:2017+A1:2021 Steel forgings for pressure purposes – Part 2: Ferritic and martensitic steels with specified elevated temperatures properties
45.	EN 10222-4:2017+A1:2021 Steel forgings for pressure purposes – Part 4: Weldable fine grain steels with high proof strength
46.	EN 13445-1:2021 Unfired pressure vessels – Part 1: General
47.	EN 13445-4:2021 Unfired pressure vessels – Part 4: Fabrication
48.	EN 13445-8:2021 Unfired pressure vessels – Part 8: Additional requirements for pressure vessels of aluminium and aluminium alloys
49.	EN 13445-10:2021 Unfired pressure vessels – Part 10: Additional requirements for pressure vessels of nickel and nickel alloys
50.	EN 17278:2021 Natural gas vehicles – Vehicle fuelling appliances'.

ANNEX II

In Annex II, the following entries are added:

No	Reference of the standard	Date of withdrawal
40.	EN 10216-5:2013 Seamless steel tubes for pressure purposes – Technical delivery conditions – Part 5: Stainless steel tubes	21 June 2023
41.	EN 10217-7:2014 Welded steel tubes for pressure purposes – Technical delivery conditions – Part 7: Stainless steel tubes	21 June 2023
42.	EN 10222-2:2017 Steel forgings for pressure purposes – Part 2: Ferritic and martensitic steels with specified elevated temperatures properties	21 June 2023
43.	EN 10222-4:2017 Steel forgings for pressure purposes – Part 4: Weldable fine grain steels with high proof strength	21 June 2023
44.	EN 13445-1:2014 Unfired pressure vessels – Part 1: General EN 13445-1:2014/A1:2014	21 June 2023
45.	EN 13445-4:2014 Unfired pressure vessels – Part 4: Fabrication	21 June 2023
46.	EN 13445-8:2014 Unfired pressure vessels – Part 8: Additional requirements for pressure vessels of aluminium and aluminium alloys EN 13445-8:2014/A1:2014	21 June 2023