This document is meant purely as documentation tool and the institutions do not assume any liability for its contents

►**B**

COUNCIL DIRECTIVE 93/68/EEC

of 22 July 1993

amending Directives 87/404/EEC (simple pressure vessels), 88/378/EEC (safety of toys), 89/106/EEC (construction products), 89/336/EEC (electromagnetic compatibility), 89/392/EEC (machinery), 89/686/EEC (personal protective equipment), 90/384/EEC (non-automatic weighing instruments), 90/385/EEC (active implantable medicinal devices), 90/396/EEC (appliances burning gaseous fuels), 91/263/EEC (telecommunications terminal equipment), 92/42/EEC (new hot-water boilers fired with liquid or gaseous fuels) and 73/23/EEC (electrical equipment designed for use within certain voltage limits)

(OJ L 220, 30.8.1993, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Directive 98/13/EC of the European Parliament and of the Council of 12 February 1998	L 74	1	12.3.1998
►**M2**	Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998	L 207	1	23.7.1998

Corrected by:

►**C1** Corrigendum, OJ L 216, 8.8.1997, p. 99 (93/68/EEC)

▼B

COUNCIL DIRECTIVE 93/68/EEC

of 22 July 1993

amending Directives 87/404/EEC (simple pressure vessels), 88/378/EEC (safety of toys), 89/106/EEC (construction products), 89/336/EEC (electromagnetic compatibility), 89/392/EEC (machinery), 89/686/EEC (personal protective equipment), 90/384/EEC (non-automatic weighing instruments), 90/385/EEC (active implantable medicinal devices), 90/396/EEC (appliances burning gaseous fuels), 91/263/EEC (telecommunications terminal equipment), 92/42/EEC (new hot-water boilers fired with liquid or gaseous fuels) and 73/23/EEC (electrical equipment designed for use within certain voltage limits)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission [1],

In cooperation with the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas the Council has already adopted a series of Directives designed to remove technical barriers to trade in accordance with the principles established in its Resolution of 7 May 1985 on a new approach to technical harmonization and standards [4]; whereas each of these Directives provides for the affixing of the 'CE' marking; whereas, therefore, in the interests of simplifying Community legislation and making it more consistent, these various provisions need to be replaced by uniform prescriptions; whereas it is therefore necessary to harmonize these provisions, particularly with regard to products which may fall within the scope of several of these Directives;

Whereas, in its communication of 15 June 1989 on a global approach to certification and testing [5], the Commission proposed that common rules be drawn up concerning a 'CE' conformity marking with a single design; whereas, in its Resolution of 21 December 1989 on a global approach to conformity assessment [6], the Council approved as a guiding principle the adoption of a consistent approach such as this with regard to the use of the 'CE' marking;

Whereas the two basic elements of the new approach which must be applied are therefore the essential requirements and the conformity assessment procedures;

Whereas this harmonization of the provisions concerning the affixing and use of the 'CE' marking requires that existing Directives undergo detailed amendment to bring them into line with the new arrangements,

---

(1) OJ No C 160, 20. 6. 1991, p. 14;
and OJ No C 28, 2. 2. 1993, p. 16.

(2) OJ No C 125, 18. 5. 1992, p. 178;
OJ No C 115, 26. 4. 1993, p. 117; andDecision of 14 July 1993 (not yet published in the Official Journal).

(3) OJ No C 14, 20. 1. 1992, p. 15; and
OJ No C 129, 10. 5. 1993, p. 3.

(4) OJ No C 136, 4. 6. 1985, p. 1.

(5) OJ No C 231, 8. 9. 1989, p. 3; and
OJ No C 267, 19. 10. 1989, p. 3.

(6) OJ No C 10, 16. 1. 1990, p. 1.

▼B

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following Directives are hereby amended:

1. Council Directive 87/404/EEC of 25 June 1987 on the harmonization of the laws of the Member States relating to simple pressure vessels (1);
2. Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys (2);
3. Council Directive 89/106/EEC of 21 December 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to construction products (3);
4. Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility (4);
5. Council Directive 89/392/EEC of 14 June 1989 on the approximation of the laws of the Member States relating to machinery (5);
6. Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (6);
7. Council Directive 90/384/EEC of 20 June 1990 on the harmonization of the laws of the Member States relating to non-automatic weighing instruments (7);
8. Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices (8);
9. Council Directive 90/396/EEC of 29 June 1990 on the approximation of the laws of the Member States relating to appliances burning gaseous fuels (9);
10. Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity (10);
11. Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (11);
12. Council Directive 73/23/EEC of 19 February 1973 on the harmonization of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits (12).

Article 2

Directive 87/404/EEC is hereby amended as follows:

1. throughout the text, the term ‘EC mark’ is replaced by ‘CE marking’;

(1) OJ No L 220, 8. 8. 1987, p. 48; Directive amended by Directive 90/488/EEC (OJ No L 270, 2. 10. 1990, p. 25).
(2) OJ No L 187, 16. 7. 1988, p. 1.
(3) OJ No L 40, 11. 2. 1989, p. 12.
(4) OJ No L 139, 23. 5. 1989, p. 19; Directive last amended by Directive 92/31/EEC (OJ No L 126, 12. 5. 1992, p. 11).
(5) OJ No L 183, 29. 6. 1989, p. 9; Directive amended by Directive 91/368/EEC (OJ No L 198, 22. 7. 1991, p. 16).
(6) OJ No L 399, 30. 12. 1989, p. 18.
(7) OJ No L 189, 20. 7. 1990, p. 1.
(8) OJ No L 189, 20. 7. 1990, p. 17.
(9) OJ No L 196, 26. 7. 1990, p. 15.
(10) OJ No L 128, 23. 5. 1991, p. 1.
(11) OJ No L 167, 22. 6. 1992, p. 17.
(12) OJ No L 77, 26. 3. 1972, p. 29.

▼B

2. in Article 5 the first paragraph is replaced by the following text:

‘1. Member States shall presume that vessels bearing the CE marking comply with all the provisions of this Directive, including the conformity assessment procedures referred to in Chapter II.

Conformity of vessels with the national standards which transpose the harmonized standards the reference numbers of which have been published in the *Official Journal of the European Communities* shall result in a presumption of conformity to the essential safety requirements referred to in Article 3. Member States shall publish the reference numbers of such national standards.’;

3. the following paragraph is added to Article 5:

‘3. (a) Where the vessels are subject to other Directives covering other aspects and which also provide for the affixing of the CE marking, the latter shall indicate that the vessels in question are also presumed to conform to the provisions of those other Directives.

(b) However, where one or more of those Directives allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only to the Directives applied by the manufacturer. In this case, particulars of the Directives applied, as published in the *Official Journal of the European Communities*, must be given in the documents, notices or instructions required by the Directives and accompanying such vessels.’;

4. In Article 9 the first paragraph is replaced by the following text:

‘1. Member States shall notify the Commission and the other Member States of the approved bodies which they have appointed to carry out the procedures referred to in Article 8 (1) and (2) together with the specific tasks which these bodies have been appointed to carry out and the identification numbers assigned to them beforehand by the Commission.

The Commission shall publish in the *Official Journal of the European Communities* a list of the notified bodies with their identification numbers and the tasks for which they have been notified. The Commission shall ensure that this list is kept up to date.’;

5. Article 11 is replaced by the following text:

‘**EC verification**

Article 11

1. EC verification is the procedure whereby a manufacturer or his authorized representative established within the Community ensures and declares that the vessels which have been checked in accordance with paragraph 3 are in conformity to the type described in the EC type-examination certificate or with the design and manufacturing schedule referred to in Annex II section 3 having received a certificate of adequacy.

2. The manufacturer shall take all the necessary measures for the manufacturing process to ensure that the vessels conform to the type described in the EC type-examination certificate or to the design and manufacturing schedule referred to in Annex II section 3. The manufacturer or his authorized representative established within the Community shall affix the CE marking to each vessel and draw up a declaration of conformity.

3. The approved body shall carry out the appropriate examinations and tests in order to check the conformity of the vessels with the

▼B

requirements of this Directive by examination and testing of vessels in accordance with the following paragraphs:

3.1. The manufacturer shall present his vessels in the form of uniform batches and shall take all necessary measures in order that the manufacturing process ensures the uniformity of each batch produced.

3.2. These batches shall be accompanied by the EC type-examination certificate referred to in Article 10, or, where the vessels are not manufactured in accordance with an approved prototype, by the design and manufacturing schedule referred to in Annex II section 3. In this case the approved body shall, prior to EC verification, examine the schedule in order to certify its conformity.

3.3. When a batch is examined, the inspection body shall ensure that the vessels have been manufactured and checked in accordance with the design and manufacturing schedule and perform a hydrostatic test or a pneumatic test of equivalent effect on each vessel in the batch at a pressure Ph equal to 1,5 times the vessel's design pressure in order to check its soundness. The pneumatic test shall be subject to acceptance of the test safety procedures by the Member State in which the test is performed.

Moreover, the inspection body shall carry out tests on test-pieces taken from a representative production test-piece or from a vessel, as the manufacturer chooses, in order to examine the weld quality. The tests shall be carried out on longitudinal welds. However, where differing weld techniques are used for longitudinal and circular welds, the tests shall be repeated on the circular welds.

For the vessels referred to in Annex I, section 2.1.2 these tests on test-pieces shall be replaced by a hydrostatic test on five vessels taken at random from each batch in order to check that they conform to the requirements of Annex I, section 2.1.2.

3.4. In the case of accepted batches, the approved body shall affix, or cause to be affixed, its identification number to each recipient and draw up a written certificate of conformity relating to the tests carried out. All recipients in the batch may be placed on the market except for those which have not successfully undergone a hydrostatic test or a pneumatic test.

If a batch is rejected, the notified body or the competent authority shall take appropriate measures to prevent the putting on the market of that batch. In the event of frequent rejection of batches, the notified body may suspend the statistical verification.

The manufacturer may, under the responsibility of the notified body, affix the latter's identification number during the manufacturing process.

3.5. The manufacturer or his authorized representative must be able to supply on request the approved body's certificates of conformity referred to in subparagraph 3.4.';

6. in Article 12 (1) the first sentence is replaced by the following text:

'1. A manufacturer fulfilling the obligations arising out of Article 13 shall affix the CE marking provided for in Article 16 to vessels which he declares to be in conformity:

— to the design and manufacturing schedule referred to in Annex II section 3, and on which a certificate of adequacy has been drawn up, or

— an approved prototype.';

7. Article 15 is replaced by the following text:

'*Article 15*