

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

COMMISSION

COMMISSION OPINION

of 19 August 2009

on the follow-up given to its opinion of 7 January 2008 on interim measures taken by the government of Denmark in respect of high velocity pressure/vacuum relief valves with flame screen of model HPV manufactured by Se-won Ind Co. in the Republic of Korea

(Text with EEA relevance)

(2009/C 213/01)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Council Directive 96/98/EC of 20 December 1996 on marine equipment ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) In its opinion of 7 January 2008, the Commission considered that the interim measures notified by the Danish Government to the Commission by letter of 27 February 2004 in respect of valves of the model HPV manufactured by Se-won Ind Co. in the Republic of Korea were justified, and recommended that the Member States ensure that the above-mentioned valves be removed from their markets until such time as a new type-examination certificate were delivered in full compliance with the Directive requirements.
- (2) The Commission furthermore recommended that the Member States take all appropriate action in order to guarantee the safety of ships flying their flag which are equipped with the said valves, including at least the following measures: (a) investigating any episodes which may indicate valve malfunction, in particular as regards hammering and pressure peaks during loading and discharging; and (b) ensuring that no ships equipped with the said valves are authorised to carry cargoes with an MESH value lower than 0,9 mm.
- (3) The manufacturer has submitted evidence that a full new certification procedure has been conducted, as a result of which a new MED module-B type-approval certificate has been issued by the notified body DNV under reference number MED-B-4766 for Sewon products HPV 65A, HPV-3, HPV-4, HPV-5, HPV-6, HPV-8 and HPV-10 (hereinafter referred to as 'the valves').
- (4) This new certificate has been published on the MARED database, where it has replaced the type-approval certificate referred to in recital 4 of the above-mentioned opinion, now superseded.

⁽¹⁾ OJ L 46, 17.2.1997, p. 25.

- (5) The documentation provided by the manufacturer shows that certificate MED-B-4766 has been delivered in accordance with the applicable requirements concerning, inter alia: the testing of every valve model of the HPV series; the test plan and sequence; the additional testing concerning glass material; the identification of the devices under testing; the calibration of the measurement instrumentation; the measurement set-up; the monitoring of the valves behaviour during the testing; the report contents. The expected limitations of use and in particular the maximum pipeline length for every model are stated. The Commission notes that the manufacturer initiated the recertification activity concerning the valves before the delivery of the opinion of 7 January 2008.
- (6) After a prudent lapse of time, no instances of valve malfunction have been reported by the Member States,

HAS ADOPTED THIS OPINION:

Sole Article

The manufacturer has given appropriate follow-up to the opinion delivered by the Commission on 7 January 2008 and has taken appropriate measures to ensure safety.

Done at Brussels, 19 August 2009.

For the Commission
Antonio TAJANI
Member of the Commission
