



FREQUENTLY ASKED QUESTIONS

BREXIT AND TRANSPORTABLE PRESSURE EQUIPMENT

This information was last updated on 6 September 2021 and represents BCGA's best attempt to interpret the current status of transportable pressure equipment within UK Regulations following "Brexit".

We offer this interpretation without liability and readers who have involvement in the management and use of Transportable Pressure Equipment (TPE) should make their own assessments and checks with regulatory authorities as appropriate to their business decisions.

The content of this document will be regularly reviewed and updated as best we are able, as new information becomes available.

Notes:

1. TPE includes a variety of different containers, such as tankers, pressure receptacles, gas cylinders, tubes, pressure drums, closed cryogenic receptacles, metals hydride storage systems, salvage pressure receptacles, etc.
2. These frequently asked questions relate to anyone who is involved in the transport, handling and use of TPE and aims to provide general guidance on managing TPE.
3. The United Kingdom and Europe continue to have discussions. Individuals should check the latest status of any agreements made which may change the answers given below. Several useful links are included in these FAQ's.

1: WHEN DID BREXIT HAPPEN?

A: The United Kingdom (UK) left the European Union (EU) on 31 January 2020.

2: WHAT TRANSITION PERIODS WERE IN PLACE?

A: From 31 January 2020 until 31 December 2020 existing EU Directives and Regulations applied in the UK. This is now complete.

3: WHAT HAPPENED AFTER 1 JANUARY 2021?

A: Existing EU Directives and Regulations apply whilst new arrangements for UK legislation are being put in place to replace the EU requirements. This is called the "standstill period". Each Directive / Regulation will have its own defined standstill period.

As an example, we understand that the EU Transportable Pressure Equipment Directive [[EU Directive 2010/35/EU - TPED](#)], will continue to apply until 31 December 2022.



The Department for Transport ([DfT](#)) has advised that the *Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment Regulations* will bring into effect the new marking requirements from 1 January 2023. From this date the UK will end recognition of EU Pi-marked transportable pressure equipment (TPE), for the purpose of placing on the GB market.

<https://www.gov.uk/government/consultations/transportable-pressure-equipment-conformity-assessment-and-marking-requirements-in-great-britain>

It is expected that [DfT](#) will enact a further amendment to *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009* [[SI 2009 No 1348](#)] in due course.

4: HOW IS THE CARRIAGE OF DANGEROUS GOODS REGULATED IN THE UK?

A: *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009* [[SI 2009 No 1348](#), as amended] regulate the carriage of dangerous goods, this includes TPE.

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 ([SI 2010 No. 160](#), as amended), regulate the carriage of dangerous goods, including TPE, within Northern Ireland.

These CDG Regulations mandate compliance with the *Agreement Concerning the International Carriage of Dangerous Goods* ([ADR](#)).

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 [[SI 2020 No 1111](#)] came into force on 1 January 2021. The changes introduced will affect, for example, the movement of dangerous goods across national boundaries, placing on the market and how and by whom conformity assessment takes place.

During the standstill period, within Great Britain (GB), there is an option to comply with the GB legislation and /or the [EU TPED](#). The [EU TPED](#) remains in force across the EU.

We are still waiting for amended Regulations to be enacted for Northern Ireland.

5: WILL UK OPERATORS STILL BE REQUIRED TO COMPLY WITH ADR?

A: Yes. [ADR](#) is not part of the Brexit negotiations. [ADR](#) is a treaty between many countries (more than just those in the EU) and it will still apply in the UK for the movement of dangerous goods, for the foreseeable future. UK (and all other Nations who are signatories to [ADR](#)) will continue to comply with [ADR](#).

6: WHAT IS THE DIFFERENCE BETWEEN THE GB MARKET AND THE UK MARKET?

A: The GB market is England, Scotland and Wales. The UK Market includes the GB Market and Northern Ireland.

7: WHY THE DIFFERENCE BETWEEN THE GB AND UK MARKETS?

A: Discussions are still ongoing, Northern Ireland has separate arrangements, which are still to be published.

8: WHAT TPE IS ALLOWED TO BE USED FROM 1 JANUARY 2021?

A: There will be TPE either already on the GB market or new TPE to be placed on the GB market. This will include:

- Existing Pi marked TPE in accordance with the [EU TPED](#);
- Old pressure receptacles that are only used for national transport;
- New TPE that is placed on the market with a Pi mark (until the end of the standstill period);
- New TPE that is placed on the GB market with a Rho mark; and
- New TPE that is placed on the market with both a Rho mark and a Pi mark.

9: WHAT IS A PI MARK?

A: The Pi Mark is a mandatory requirement within the [EU TPED](#) – Article 15. The Pi mark is marked on TPE to show that it meets the requirements of the [EU TPED](#).



10: WHO AUTHORISES THE PLACING OF A PI MARK ON AN ITEM OF TPE?

A: Following successful conformity assessment, TPE will be marked with a Pi mark by an EU Notified Body.

11: IN WHAT GEOGRAPHICAL AREA IS THE PI MARK REQUIRED?

A: The Pi mark is a requirement of the [EU TPED](#), it is stamped on TPE that is placed on the market for use in the EU (or in other Nations where the [EU TPED](#) is enacted into national legislation).

12: WHAT IS A RHO MARK?

A: The Rho mark is the UK TPE mark, it is detailed within *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020* [[SI 2020 No 1111](#)] – Schedule 1A. The Rho mark is stamped on TPE following successful conformity assessment, by a GB Appointed Body, to show that the TPE is in conformance with the GB Regulations.



13: WHO AUTHORISES THE PLACING OF A RHO MARK ON AN ITEM OF TPE?

A: Following successful conformity assessment, TPE will be marked with a Rho mark by a GB Appointed Body.

14: IN WHAT GEOGRAPHICAL AREA IS THE RHO MARK REQUIRED?

A: The Rho mark is a requirement of GB Regulations; it is stamped on TPE that is placed on the market for use in GB (this does not include Northern Ireland).

15: WHAT IS AN APPOINTED BODY?

A: An Appointed Body is a body appointed by the GB Vehicle Certification Agency ([VCA](#)) to carry out conformity assessment on TPE. [VCA](#) use the United Kingdom Accreditation Service ([UKAS](#)) to carry out the assessment of an Appointed Body.

Note: The UK Competent Authority for TPE is the [DfT](#). The [VCA](#) are an Executive Agency of the [DfT](#).

The [VCA](#) publish a [list of bodies](#) appointed to inspect pressure equipment in the UK.

The Department for *Business, Energy and Industrial Strategy* ([BEIS](#)) issue a list of UK Market Conformity Assessment Bodies. It includes details of Approved Bodies and Notified Bodies (Northern Ireland). <https://www.gov.uk/uk-market-conformity-assessment-bodies>

16: WHAT IS A NOTIFIED BODY?

A: The [EU TPED](#) requires that a Relevant Body carries out conformity assessment on TPE. Each EU member may appoint a Relevant Body as a Notified Body (NoBo) to operate within their jurisdictions.

Notes:

- A 'notified body' means an inspection body meeting the requirements set out in the Annexes to [European Directive 2008/68/EC](#) (on the inland transport of dangerous goods) and the conditions set out in [EU TPED](#) Articles 20 and 26 and notified in accordance with [EU TPED](#) Article 22.
- 'Notification' is the process of awarding notified body status to an inspection body and includes communication of this information to the EU Commission and to the Member States.

Details of EU Notified Bodies are available from the Nando (*New Approach Notified and Designated Organisations*) Information System. <https://ec.europa.eu/growth/tools-databases/nando/>

17: WHAT IS THE STANDSTILL PERIOD?

A: This is the period after 1 January 2021 during which the UK will move over to its own legislation. During this period EU legislation will remain extant. Each piece of legislation will have its own defined period of validity.

The [DfT](#) has advised that the *Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment Regulations* will bring into effect the new marking requirements from 1 January 2023. From this date the UK will end recognition of EU Pi-marked transportable pressure equipment (TPE) for placing on the GB market.

<https://www.gov.uk/government/consultations/transportable-pressure-equipment-conformity-assessment-and-marking-requirements-in-great-britain>

It is expected that [DfT](#) will enact a further amendment to *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009* [[SI 2009 No 1348](#)] in due course.

18: I WANT TO BUY A NEW ITEM OF TPE AFTER 1 JANUARY 2021 BUT BEFORE THE END OF THE STANDSTILL PERIOD, WHAT NEEDS TO HAPPEN?

A: Until the end of the standstill period you can buy TPE for the EU market and the GB market and it can have the Pi mark stamped on it. This TPE may continue in use in GB for the remainder of its life (subject to satisfactory periodic inspection and test).

If you buy TPE for the GB market, then it may have a Pi mark and/or a Rho mark stamped on it.

19: WHAT HAPPENS AFTER THE END OF THE STANDSTILL PERIOD WHEN I WANT TO BUY NEW TPE?

A: After the standstill period all new TPE placed on the GB market will need to be stamped with a Rho mark.

All new equipment placed on the EU market will need to be Pi marked.

If equipment is 'dual marked', i.e. it has both a Rho mark and a Pi mark stamped on it, it is allowed for use in both GB and EU markets.

20: CAN I BUY TPE BEFORE THE END OF THE STANDSTILL PERIOD TO STOCKPILE?

A: Yes. Such TPE must be placed on the market before the end of the standstill period.

21: WHAT IS THE DEFINITION OF 'PLACING ON THE MARKET'?

A: Making available on the market is defined in Regulation 3 of the GB CDG (EU Amendment) Regulations, as "... *any supply of that equipment for distribution or use on that market in the course of a commercial or public service activity, whether in return for payment or free of charge.*".

A fully manufactured good is 'placed on the market' when a written or verbal agreement (or offer of an agreement) to transfer ownership or possession or other property rights in the product is exchanged.

<https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain>

22: HOW DO I DEMONSTRATE THAT A PI MARKED ITEM OF TPE WAS PLACED ON THE MARKET IN THE UK BEFORE THE END OF THE STANDSTILL PERIOD?

A: You can usually provide proof of placing on the market on the basis of any relevant document ordinarily used in business transactions, including:

- contracts of sale concerning goods which have already been manufactured and meet the legal requirements
- invoices
- documents concerning the shipping of goods for distribution

The relevant economic operator (whether manufacturer, importer or distributor) bears the burden of proof for demonstrating that the good was placed on the market before the due date.

<https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain>

23: WHAT MARKS DO I NEED ON NEW TPE FOR USE IN GB ONLY?

A: New TPE that is for use in GB after the standstill period only requires a Rho mark applied by a GB Appointed Body.

24: CAN I STILL TRANSPORT MY TPE BETWEEN GB AND THE EU AFTER BREXIT?

A: Yes. You have to comply with [ADR](#). However, you have to comply with the [EU TPED](#) if you want to place TPE on the EU market.

25: IF I BUY AN ITEM OF TPE AND IT ONLY HAS THE RHO MARK ON IT, CAN I TRANSPORT IT TO THE EU?

A: Yes, provided it meets the requirements of [ADR](#). You are allowed to transport the equipment and, if required, empty it into another (suitable) container / process.

26: IF I BUY NEW TPE AND IT ONLY HAS THE RHO MARK ON IT, CAN I FILL IT IN THE EU?

A: There could be restrictions on filling some items. You should check local Regulations and seek the agreement of the filler.

27: IF I BUY NEW TPE AND IT IS RHO MARKED, WHICH I HAVE TRANSPORTED AND FILLED IN THE EU, CAN I RETURN IT TO GB?

A: Yes, provided the equipment continues to meet the requirements of [ADR](#).

28: CAN A RHO MARKED ITEM OF TPE BE PLACED ON THE MARKET IN THE EU?

A: No, item of equipment marked only with a Rho mark cannot be placed on the EU market.

You have to comply with the [EU TPED](#) if you want to place TPE on the EU market.

A Rho marked item of equipment may only be placed on the EU market if it is dual marked with a Pi mark.

29: WHAT IS THE STATUS OF PI MARKED TPE ALREADY IN GB BEFORE THE END OF THE STANDSTILL PERIOD?

A: Pi marked equipment that was placed on the GB market before the end of the standstill period can continue in service until the end of its life (subject to satisfactory periodic inspection and testing).

30. WHAT IS THE STATUS OF EXISTING TPE (PRE-PI MARK) ALREADY IN GB AND UK BEFORE THE END OF THE STANDSTILL PERIOD?

A: All TPE that has been legitimately placed on the GB or UK market before the end of the standstill period can continue in service until the end of its life (subject to satisfactory periodic inspection and testing).

For additional information refer to BCGA GN 36, *Guidance for the use, inspection and transport of cylinders with various design codes*.

31: WHAT IS THE DIFFERENCE BETWEEN TRANSPORT, FILLING AND USE?

A: [ADR](#) is concerned with ensuring that any item of dangerous goods is safe to transport. As such it details the standards to be met for the design, construction, testing and marking of dangerous goods containers. As the correct filling of dangerous goods containers is essential to safe transport, then [ADR](#) also details the requirements for filling.

The use of TPE is subject to national legislation.

In GB it is mandatory to comply with the CDG Regulations (which implement the [EU TPED](#) in GB until the end of the standstill period). Compliance will also be required with other legislation such as the *Health and Safety at Work etc, Act*.

In the EU it is mandatory to comply with the [EU TPED](#) as enacted into national legislation.

32: WHAT HAPPENS TO A PI MARKED ITEM OF TPE THAT NEEDS TO UNDERGO A PERIODIC INSPECTION AND TEST?

Periodic inspection and test is carried out in compliance with [ADR](#).

A1: An existing item of TPE can undergo a periodic inspection and test under the supervision of an EU Notified Body. If satisfactory, it can continue as a Pi marked item of TPE for use in the UK and the EU.

A2: An existing item of TPE can undergo a periodic inspection and test under the supervision of a GB Appointed Body. If satisfactory, it will then be stamped with a Rho mark. A Rho mark allows it to continue in use in GB (it will no longer be authorised for use in the EU as the validity of the Pi mark will have expired).

A3: If an existing item of TPE is 'dual marked', i.e. following a periodic inspection and test it is marked with a Pi mark under supervision of an EU Notified Body and a Rho mark under the supervision of a GB Appointed Body, then it may be used in both GB and the EU.

33: WHO CAN CARRY OUT A PERIODIC INSPECTION AND TEST ON A RHO MARKED ITEM OF TPE?

A: TPE can undergo a periodic inspection and test under the supervision of a GB Appointed Body. If satisfactory, it will then be stamped with details of the Appointed Body and the date the periodic inspection and test was carried out.

34: IF A PI MARKED CYLINDER IS SUBJECT TO A PERIODIC INSPECTION AND TEST IN GB AND A RHO MARK IS APPLIED, DO YOU HAVE TO DELETE THE PI MARK?

A: No, existing marks must not be deleted. The Pi mark is evidence of the original approval.

The latest date of the periodic inspection and test identifies its validity.

35. WHAT HAPPENS TO RHO MARKED TPE IF IT HAS PREVIOUSLY BEEN PI MARKED, AND THE OWNER WANTS A PI MARK RE-VALIDATED?

A: The Owner of the TPE will need to engage with an EU Notified Body to agree the conditions necessary to undergo a further periodic inspection and test.

NOTE: On successful completion of a periodic inspection and test it will then be stamped with details of the EU Notified Body and the date the periodic inspection and test was carried out. As there is an existing Pi mark, an additional Pi mark shall not be applied.

36. ALL MY CYLINDERS ARE CURRENTLY PI MARKED. CAN I CONTINUE TO FILL AND TRANSPORT THEM IN THE UK?

A: Yes, provided periodic inspection and test is maintained by an EU Notified Body.

37: MY PERIODIC INSPECTION AND TEST IS DUE. WHAT MARKS DO I HAVE TO APPLY?

A: There are a several answers to this:

For existing TPE which is Pi marked in accordance with the [EU TPED](#). The TPE can undergo a periodic inspection and test under the surveillance of an EU Notified Body. If satisfactory, it can continue with the Pi mark. This will allow use in Europe, GB and NI.

For old pressure receptacles that are only used for UK national transport. The TPE can undergo a periodic inspection and test under the surveillance of a GB Appointed Body.

For existing TPE which is Pi marked in accordance with the [EU TPED](#), the TPE may undergo a periodic inspection and test under the surveillance of a GB Appointed Body. In this case, the GB Appointed Body can apply a rho mark. The TPE will (only) be allowed for use in GB.

For TPE that is placed on the market with a Rho mark. The TPE can undergo a periodic inspection and test under the surveillance of a GB Appointed Body.

For TPE that is placed on the market with both a Rho mark and a Pi mark. This 'dual marked' TPE will need to undergo periodic inspection and test under the surveillance of both a UK Appointed Body and an EU Notified Body, this will allow continued use in GB and in the EU.

38: CAN I HAVE BOTH A PI MARK AND A RHO MARK ON TPE?

A: Yes, it is possible to have both the Rho mark and the Pi mark applied to a new item of TPE. This 'dual marked' TPE will need to undergo (periodic) inspection and test under the surveillance of both a GB Appointed Body and an EU Notified Body to allow use in GB and the EU.

39: I WANT TO PURCHASE NEW ITEMS OF TPE, BUT I AM NOT SURE IF I AM GOING TO KEEP IT IN GB OR MOVE IT TO THE EU. TO QUALIFY FOR BOTH MARKETS CAN I DUAL MARK IT?

A: Yes. This 'dual marked' TPE will need to undergo (periodic) inspection and test under the surveillance of a GB Appointed Body and an EU Notified Body in accordance with [ADR](#).

40: I HAVE EXISTING TYPE APPROVALS FOR A RANGE OF DIFFERENT TPE. DO THESE EXISTING TYPE APPROVALS REMAIN VALID?

A: Type Approval Certificates remain valid in accordance with ADR 1.8.7.2.4, 6.2.2 or 6.2.4.

The EU will not recognise Type Approvals issued before 1 January 2021 by a UK Notified Body to support new manufacture of TPE after this date.

In GB, if you place on the GB market new TPE, you will need either a new Type Approval issued by the GB Appointed Body or, until the end of the standstill period, a Type Approval issued by a EU Notified Body.

NOTE: Although the CDG Regulations do not refer to Type Approvals directly, it falls under the procedure for 'conformity assessment' within [ADR](#), a requirement for GB TPE which has to be carried out by an Appointed Body.

After the standstill period, new TPE placed on the GB market will require GB Appointed Body Type Approval. The EU Notified Body Type Approval will not be acceptable for new TPE placed on the market in GB.

41: I AM A MANUFACTURER, I WANT A GB TYPE APPROVAL?

A: To gain conformity assessment (equivalent to a Type Approval) use a GB Appointed Body.

42: WOULD AN APPOINTED BODY HAVE TO BE ESTABLISHED IN GB?

A: The BCGA understand that an Appointed Body must operate a GB 'head' office and that office should be competent to oversee and validate, if necessary, the results of conformity assessment, including those that take place elsewhere. An Appointed Body can have more than one head office, at least one must be in GB (one may also be in the EU).

An Appointed Body must have obtained accreditation through [UKAS](#) and be appointed by the [VCA](#).

It is not adequate to just have a 'brass plate' on the door.

43: CAN YOU FILL A RHO MARKED CYLINDER IN THE UK?

A: Yes. The filling requirements of [ADR](#) apply.

44: CAN YOU FILL A PI MARKED CYLINDER IN THE UK?

A: Yes. The filling requirements of [ADR](#) apply.

45: CAN YOU FILL A RHO MARKED CYLINDER IN THE EU?

A: The filling requirements of [ADR](#) apply. There could be restrictions on filling some items. You should check local Regulations and seek the agreement of the filler.

46: WHAT LEGISLATION APPLIES IN NORTHERN IRELAND?

A: The political 'deal' with Northern Ireland is more complicated due to the border with the Republic of Ireland (which remains a EU member). In due course it is expected that Northern Ireland will enact their own amendment to their Carriage of Dangerous Goods Regulations.