



Department
for Transport

Placing transportable pressure equipment on the market in Great Britain from 1 January 2023

Guidance Note

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Introduction

From 1 January 2023, new rules will apply to transportable pressure equipment (TPE) being placed on the market in Great Britain (GB). From this date, only TPE which has been conformity assessed by a GB appointed body, or qualifying Northern Ireland TPE, can be placed on the GB market. Pi-marked EU-conformity assessed TPE which was placed on the GB market before 1 January 2023 can remain in use in GB as long as it complies with the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009¹ (as amended) ("CDG 2009").

This guidance provides information about the upcoming changes and is intended to help industry understand how they may be affected.

Note: The information in this document applies only to TPE on the GB market. It does not apply to Northern Ireland. Special rules apply to [qualifying Northern Ireland goods](#).

Background

After the UK's departure from the EU, the Transportable Pressure Equipment Directive 2010/35/EU (TPED) continued to apply in GB for the duration of a one-year transition period. During this transition period, EU-conformity assessed TPE could continue to be placed on the GB market and GB-conformity assessed TPE could also be placed on the EU market. Since the transition period ended on 31 December 2020, TPE that is conformity assessed by an appointed GB conformity assessment body can no longer be placed on the EU market.

The Department for Transport (DfT) held a public consultation in June 2021 to gather feedback on the impact of amending the regulations (CDG 2009) to end acceptance of EU-conformity assessed TPE on the GB market.

¹ S.I. 2009/1348

Following this consultation, CDG 2009 was amended² to require that, from 1 January 2023, TPE may only be placed on the GB market if it has been conformity assessed by a GB appointed body and affixed with the UK “Rho” mark, or if it complies with the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010³ (as amended) and is qualifying Northern Ireland TPE.

Recent announcements: UKCA-marked products

In June 2022, the UK government announced a number of measures to make it easier for businesses to adopt UKCA marking: [Gov.uk: Government to make it simpler for businesses to apply new product safety markings](#). This included allowing the UKCA mark to be affixed using a sticky label or placed in an accompanying document until 31 December 2027. These measures do not apply to TPE.

In November 2022, the government further announced that CE-marked products can continue to be placed on the GB market until 31 December 2024: [Gov.uk: Businesses to be given UK product marking flexibility](#).

The extension for UKCA/CE-marked products will not apply to TPE. From 1 January 2023, TPE being placed on the GB market must be conformity assessed by a GB appointed body and bear the Rho mark. Qualifying Northern Ireland TPE may also continue to be placed on the GB market after that date.

² S.I. 2021/1370

³ Northern Ireland Statutory Rules No. 2010/160

Q&A

1. Placing TPE on the market

What is meant by “placing on the market”?

“Placing on the market” is defined in CDG 2009 as the first making available of TPE on the GB market, i.e. the first supply of that equipment for distribution or use in GB in the course of a commercial or public service activity, whether in return for payment or free of charge.

“Placing TPE on the market” refers to each individual item of TPE, not a type of TPE. It does not require the physical transfer of the TPE.

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

What is “making available on the market”?

“Making available on the market” is defined in CDG 2009 as (subsequent to being placed on the market) any supply of that equipment for distribution or use in GB in the course of a commercial or public service activity (whether in return for payment or free of charge). This includes hiring, leasing or renting of TPE.

When will the Rho mark become mandatory for TPE being placed on the GB market?

From 1 January 2023, TPE being placed on the GB market must be conformity assessed by a GB appointed body and Rho-marked, unless it is qualifying Northern Ireland TPE.

What is “qualifying Northern Ireland TPE”?

To ensure that Northern Ireland continues to have unfettered access to the whole of the UK market, TPE that is in free circulation in Northern Ireland can be placed on the GB market. This means that EU-conformity assessed TPE that has been lawfully placed on the Northern Ireland market⁴ may be further made available on the market in GB.

For more information about qualifying Northern Ireland goods, refer to: [Gov.uk: Moving qualifying goods from Northern Ireland to the rest of the UK](#).

What does this mean for TPE already on the GB market?

TPE placed on the GB market by 31 December 2022 can remain in use and be re-filled, used and further made available on the market after 1 January 2023 as long as it continues to comply with international agreements on the carriage of dangerous goods by rail (RID) and road (ADR). This includes TPE supplied on a for-hire basis or under a rental or lease agreement.

Pi-marked TPE placed on the EU or UK market by the end of the transition period (31 December 2020) can remain in use and be made further available on both markets.

If TPE needs to comply with two sets of regulations with different implementation dates for requiring UK conformity marking, which rules will apply?

Both sets of requirements will continue to apply.

For example, from 1 January 2023, a TPE valve being placed on the GB market will need to be Rho-marked. If that valve is part of a medical device, covered by other legislation which requires UKCA or CE marking, then it will also need that marking before the medical device can be placed on the market. While GB continues to accept EU conformity assessments for medical devices for a period of time after 1 January 2023, the valve may be Rho + UKCA-marked, or it may be Rho + CE-marked.

⁴ Northern Ireland TPE is defined in CDG 2009 as TPE which complies with Part 4 of CDG (Northern Ireland) 2010 and are 'qualifying Northern Ireland goods' within the meaning given in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.

Can Pi-marked TPE supplied on a rental basis within GB be further supplied on a rental basis after 1 January 2023?

Yes, Pi-marked TPE placed on the GB market by 31 December 2022 can be further made available in GB after this date. This includes further supply of the TPE on a for-hire basis or under a rental or lease agreement.

Can Pi-marked TPE which was not placed on the GB market before 1 January 2023 be used to transport dangerous goods between GB and another country?

TPE which complies with RID/ADR (e.g. Pi-marked TPE) may be used for the carriage of dangerous goods between GB and another country, but it may not be placed on the GB market and used for transport exclusively within GB unless it meets the requirements of CDG 2009.

Can Rho-marked TPE be placed on the EU market?

No, TPE being placed on the EU market must continue to comply with TPED. In June 2020, the European Commission issued a [notice](#) which set out the legal position for TPE being placed on the EU market after the end of the transition period (31 December 2020): [Withdrawal of the United Kingdom and EU rules in the field of transportable pressure equipment](#).

Can Rho-marked TPE be transported to and from the EU?

Yes. TPE which complies with RID/ADR may continue to be used for the carriage of dangerous goods between GB and an EU member state. Rho-marked TPE or Pi-marked TPE that no longer conforms to TPED (i.e. TPE which has been periodically inspected by a GB appointed body and not by an EU notified body) may not be used for transport exclusively within the EU.

Will dual marking of TPE be permitted?

Yes, multiple conformity marks are permitted.

For example, TPE may be conformity assessed by a GB appointed body and an EU notified body, and bear two conformity marks (Rho and Pi).

Will relief be afforded to manufacturers of small TPE if there is not enough space for dual conformity marks?

No. For smaller TPE with a diameter less than or equal to 140 millimetres, the minimum height required for the Rho mark is reduced to 2.5 millimetres.

2. Transferring certificates

Will conformity assessment certificates for TPE already on the market need to be transferred to a GB appointed body?

No, conformity assessment certificates for TPE placed on the GB market before 1 January 2023 will remain valid after that date and the TPE can remain in use. However, no further examples of that TPE may be placed on the GB market after 31 December 2022 unless conformity assessed by a GB appointed body and Rho-marked.

Can evidence from EU notified bodies be used to support UK TPE certification after 31 December 2022?

Yes. From 1 January 2023, where an EU notified body had carried out a TPE conformity assessment before 1 January 2021, a GB appointed body can issue a certificate of conformity and authorise the Rho marking on the basis of test data from that notified body.

Can type approvals be transferred from an EU notified body to a GB appointed body?

Type approvals issued by an EU conformity assessment body before 1 January 2021 can be transferred to a GB appointed body. In theory, this may be a paper-based exercise but the GB appointed body will need to be satisfied with the test data before issuing a certificate of conformity as they will take on legal responsibility for that assessment.

To enable this transfer to take place, information held by EU notified bodies in relation to certificates issued before 1 January 2021 shall be made available to a GB appointed body at the certificate holder's request. Please see regulation 19AZA(3) of CDG 2009 (as amended by [regulation 5 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021](#)⁵).

How long will re-issued type approvals be valid for?

Where an existing type approval issued by an EU notified body before 1 January 2021 is re-issued by a GB appointed body, the expiry date will remain the same as the original certificate. Because type approvals are re-issued on the basis of EU test data, the GB appointed body would not be undertaking a complete review/assessment of conformity against RID/ADR, so a new 10-year period of validity cannot be granted.

⁵ SI 2021/1370

3. Periodic inspection and test

Note: For the purposes of this document, references to periodic inspections being “conducted by” an appointed/notified body may also be read as including those “undertaken by an in-house inspection service under the surveillance of” an appointed/notified body in accordance with RID/ADR.

For Rho-marked TPE, who may conduct the periodic inspection and test?

Periodic inspection and testing of Rho-marked TPE must be conducted by a GB appointed body in accordance with RID/ADR and CDG 2009. The normal marking requirements under RID/ADR continue to apply. Rho-marked TPE that passes a periodic inspection and test conducted by a GB appointed body may be transported to and from the EU in accordance with RID/ADR.

For Pi-marked TPE in GB, who may conduct the periodic inspection and test?

For Pi-marked TPE that was placed on the GB market before 1 January 2023, there are several permitted options when the periodic inspection and test is due:

- (a) An EU notified body may conduct the periodic inspection and test in accordance with RID/ADR and TPED. After the periodic inspection and test, the TPE may continue to be used in GB and the EU. For the purposes of CDG 2009, it continues to be “Pi-marked TPE” and does not need to be Rho marked.
- (b) A GB appointed body may conduct the periodic inspection and test in accordance with RID/ADR and CDG 2009 without the Rho mark being affixed. After the periodic inspection and test, the TPE may continue to be used in GB but not in the EU. It may still be transported to and from the EU, in accordance with RID/ADR. For the purposes of CDG 2009, it continues to be “Pi-marked TPE” and does not need to be Rho marked.
- (c) A GB appointed body may conduct the periodic inspection and test in accordance with RID/ADR and convert the Pi-marked TPE to “UK TPE”. If the TPE owner chooses this option when the periodic inspection and test is due, the Rho mark shall be affixed to the TPE. The existing Pi mark shall not be removed and the documentation associated with the Pi mark will not need to be amended. The periodic inspection and test certificate may optionally state that the TPE has been converted to UK TPE. After the periodic inspection and test, the TPE may continue to be used in GB but not in the EU. It may still be transported to and from the EU, in accordance with RID/ADR.

Note: Converting Pi-marked TPE to UK TPE by affixing the Rho mark is optional and not a requirement. If a TPE owner prefers to use the services of a GB appointed body but not to convert their Pi-marked TPE to UK TPE, they may choose option (b).

Will it be a requirement to affix the Rho mark to Pi-marked TPE already on the market when the periodic inspection and test is due?

No, converting Pi-marked TPE to UK TPE by affixing the Rho mark is optional and not a requirement (see [regulation 22A](#) of CDG 2009). The Rho mark may only be affixed if a GB appointed body is conducting the periodic inspection and if the owner wants the Rho mark to be affixed.

What marks must be applied when Pi-marked TPE is converted to UK TPE?

If the owner elects to convert Pi-marked TPE to UK TPE, the following marks must be affixed:

- (i) Rho mark
- (ii) Date of the periodic inspection and test
- (iii) Identification number of the GB appointed body responsible for the periodic inspection and test

If the TPE is not converted to UK TPE, the normal marking requirements under RID/ADR continue to apply.

Where must the Rho mark be applied if Pi-marked TPE is converted to UK TPE?

The Rho mark shall be adjacent to the date of the periodic inspection and the identification number of the GB appointed body responsible for the periodic inspection and test.

If an EU notified body conducts the periodic inspection and test for dual-marked TPE (Rho + Pi mark) which is placed on the GB market after 1 January 2023, can the TPE remain in use in GB?

No. For dual-marked TPE placed on the GB market after 31 December 2022, a GB appointed body will also need to conduct a periodic inspection and test for the TPE to remain in use in GB.

4. Valves

Will valves require the Rho mark from 1 January 2023?

Yes, as valves may be considered TPE. Valves placed on the GB market from 1 January 2023 shall be Rho-marked. In practice, Rho marking of valves will only be necessary where the Pi mark would have been required under TPED.

In future the rules will also be changing for valves that were not in scope of TPED as the UKCA mark will replace the CE mark for goods being placed on the GB market. More information about UKCA marking may be found here: [Gov.uk: Using the UKCA marking](#).

From 1 January 2023, will existing stocks of Pi-marked valves need to be Rho-marked?

No, businesses that hold existing stock of Pi-marked valves which were placed on the GB market before 1 January 2023 can continue to use them after that date.

For example, if a GB-based business purchased Pi-marked valves in November 2022, they could continue to use these to replace equivalent valves on refillable TPE after 31 December 2022.

Note: As Pi-marked TPE valves can no longer be placed on the GB market from 1 January 2023, the above can only apply to using up stocks of Pi-marked valves placed on the GB market by 31 December 2022.

5. Bundles of cylinders

What are the requirements for bundles of cylinders being placed on the GB market?

A bundle consists of a frame in which there are several cylinders manifolded together. To be placed on the GB market from 1 January 2023, the complete assembly of the bundle of cylinders will need to be conformity assessed by a GB appointed body and the frame of the bundle must be Rho-marked.

All cylinders within the bundle will need to be individually conformity assessed and marked with a Rho and/or Pi mark. Individual cylinders have to comply with the regulations in force at the point in time they were placed on the market.

6. Authorised representatives and subcontracting

Will manufacturers that are not established in GB be required to appoint an authorised representative based in GB?

No, existing rules for appointing authorised representatives will still apply. Manufacturers based anywhere must fulfil certain obligations under CDG 2009 and they may choose to appoint an authorised representative from a relevant territory (GB, Northern Ireland or an EU member State) to carry out some of those obligations. See [regulation 20](#) of CDG 2009.

This does not affect the obligations of UK-based importers when placing TPE on the GB market that was manufactured in another country.

Can GB appointed bodies appoint contractors and subcontractors after 1 January 2023?

Yes, GB appointed bodies may continue to appoint subcontractors in accordance with 1.8.6 and 1.8.7 of RID/ADR.

7. Breathing apparatus

Is the Rho mark required on breathing apparatus which falls outside of the scope of TPED?

TPE for breathing apparatus is covered by the Pressure Equipment (Safety) Regulations 2016 rather than part 4 of CDG 2009. The Rho mark is only required on TPE which was required to be Pi-marked under TPED. TPE used for breathing apparatus may additionally be Pi-marked to comply with TPED if it is also used to transport dangerous goods.