



EUROPEAN COMMISSION
 ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Chemicals, metals, mechanical, electrical and construction industries; Raw materials
Mechanical, Electrical and Telecom Equipment

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M/501 EN

**MANDATE TO THE EUROPEAN STANDARDISATION ORGANISATIONS FOR
 STANDARDISATION IN THE FIELD OF EQUIPMENT USED IN THE OFFSHORE OIL AND GAS
 INDUSTRY**

1. BACKGROUND

1.1. The legal basis of the mandate

This mandate relates to the ATEX Directive 94/9/EC, the Pressure Equipment Directive 97/23/EC and the Machinery Directive 2006/42/EC.¹

According to these Directives, the products in their scope must satisfy the applicable essential requirements before being placed on the market.² Products manufactured in conformity with harmonised standards, the references of which have been published in the *Official Journal of the European Union*, are presumed to comply with the essential requirements covered by those standards.³

Much of the ATEX equipment, pressure equipment and machinery used in the offshore oil and gas industry is subject to these Directives,⁴ although mobile offshore units and equipment installed on board such units are excluded from their scope. The Pressure

¹ Directive 94/9/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres – OJ L 100, 19.4.1994, p.1.

Directive 97/23/EC of the European Parliament and 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.

Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) - OJ L 157, 9.6.2006, p. 24.

² The essential health and safety requirements for ATEX equipment are referred to in Article 3 and are set out in Annex II of Directive 94/9/EC.

The essential safety requirements for pressure equipment are referred to in Article 3 and are set out in Annex I to Directive 97/23/EC.

The essential health and safety requirements for machinery are referred to in Article 5 and are set out in Annex I to Directive 2006/42/EC.

³ Article 5 (2) of Directive 94/9/EC, Article 5 (2) of Directive 97/23/EC and Article 7 (2) of Directive 2006/42/EC.

⁴ Other EU Directives may also be applicable to the products concerned by this mandate.

Equipment Directive also excludes well-control equipment used in the oil and gas industry.⁵

1.2. The previous mandates for equipment used in the oil and gas industry

In 1992, the Commission issued mandate BC/CEN/CLC/09-92 asking CEN and CENELEC to draw up a programme of European standards for machinery and equipment for the oil and natural gas industry. This mandate was based on Directive 90/531/EEC⁶ relating to public procurement in the water, energy, transport and telecommunications sectors. The aim of the mandate was to ensure that public contracts for machinery and other equipment for the oil and gas industry were fully transparent and that all economic operators could compete on an equal basis. The mandate also asked CEN and CENELEC to identify areas where harmonised standards were required in connection with the related "New Approach" Directives.

In September 1993, in response to mandate BC/CEN/CLC/09-92, CEN and CENELEC delivered a joint work programme of 71 items to be undertaken by CEN and one item to be undertaken by CENELEC. Items 3-6 in the CEN part of the programme were stated as being required in relation to the "New Approach" Directives, however the majority of the items in the programme related to the public procurement Directive 90/531/EEC.

On the basis of this programme, the Commission proposed a standardisation mandate M/035 concerning the items related to public procurement. In this respect, the proposed mandate noted that taking over the specifications developed by the American Petroleum Institute (API) as ISO standards, which could then be adopted by CEN, would constitute an important first step towards opening up public contracts in Europe. The work items related to "New Approach" Directives were to be covered by other measures. However, mandate M/035 was finally not accepted by CEN.

1.3. The current situation

CEN has adopted an extensive body of European standards for equipment used in the oil and gas industry (more than 135 references to date). Most of the European standards have been developed under ISO lead, in the framework of the Vienna agreement. Approximately 60% of these standards are based on API specifications that have been further developed by ISO. CEN is continuing to adopt new standards and to revise the existing standards on this basis. However, very few of the standards adopted by CEN have been communicated to the Commission as harmonised standards supporting the EU product safety Directives.

The lack of harmonised standards supporting and providing a presumption of conformity with the EU legislation applicable to products used in the offshore oil and gas industry was underlined in the Commission Communication issued in October 2010 following an

⁵ Article 1 (4) of Directive 94/9/EC, Article 1 (3.9) and (3.14) of Directive 97/23/EC and Article 1 (2) (f) of Directive 2006/42/EC.

⁶ Council Directive 90/531/EEC of 17 September 1990 on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors - OJ L 297 , 29.10.1990, p. 1. This Directive has been superseded by Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors.

examination of the adequacy of the provisions in force in the EU in the light of the *Deepwater Horizon* disaster.⁷

At a Workshop on standards for equipment used in the offshore oil and gas industry organised by the Commission in March 2011, representatives of the EU market surveillance authorities confirmed that the availability of harmonised standards based on the principles of safety integration⁸ enshrined in the EU Directives was important for ensuring better practical application of these Directives to equipment used in the industry.

Although a number of existing harmonised standards cover equipment that is used in many industries, including the offshore oil and gas industry, it is necessary to examine whether these standards are adequate for the specific conditions of that industry or whether additional specifications or new standards are needed for offshore applications.

While harmonised standards for equipment used in the offshore oil and gas industry can be developed by the European Standardisation Organisations (ESOs) on the basis of the existing general mandates for the ATEX, Pressure Equipment and Machinery Directives, in light of the previous public procurement mandate BC/CEN/CLC/09-92, it is preferable to make a specific mandate for this equipment in order to clarify the situation.

1.4. The aim of the mandate

The aim of the mandate is to ask the ESOs to draw up and implement a programme of harmonised standards for equipment used in the offshore oil and gas industry supporting the ATEX, Pressure Equipment, and Machinery Directives.

2. DESCRIPTION OF THE MANDATED WORK

2.1. The standardisation programme

The Commission requests the ESOs to draw up and implement a programme of standardisation in order to ensure that harmonised standards are available for the equipment and machinery used in the offshore oil and gas industry that is subject to the requirements of the ATEX, Pressure Equipment and Machinery Directives.

2.2. Existing international standards

In light of the global nature of the offshore oil and gas industry, wherever possible, the European harmonised standards included in the programme mentioned in section 2.1 shall be based on international standards. When drawing up the programme, the ESOs shall therefore carry out a review of existing international standards in order to determine whether they are adequate or whether amendments or additional specifications are needed to cover the requirements of the applicable EU Directives.

Where it is not possible to reach full agreement at international level, the specifications needed to cover the requirements of the applicable EU Directives may be provided in European annexes to international standards.

⁷ Communication from the Commission to the European Parliament and the Council: *Facing the challenge of the safety of offshore oil and gas activities* - 12.10.2010 - COM(2010) 560 final.

⁸ Section 1.0.1 of Annex II to Directive 94/9/EC, Section 1 of Annex I to Directive 97/23/EC and Section 1.1.2 of Annex I to Directive 2006/42/EC.

2.3. Existing European harmonised standards

When drawing up the programme mentioned in paragraph 2.1, the ESOs shall also review existing European harmonised standards supporting the ATEX, Pressure Equipment and Machinery Directives in order to ensure consistency and avoid unnecessary duplication of work.

In the course of this review, the ESOs shall examine whether the existing harmonised standards are adequate for equipment used in the offshore oil and gas industry or whether amendments or new standards are needed. To this end, the ESOs shall organise the necessary cooperation between the Sectors and Technical Committees concerned.

Where appropriate, the mandate may be fulfilled by adding annexes to existing harmonised standards in order to provide the necessary additional specifications for offshore oil and gas equipment.

2.4. Relationship with the EU Directives

Each standard shall include an indication of the relationship between the clauses of the standard and the essential requirements of the applicable Directive(s) in accordance with the agreements on this subject between the Commission and the ESOs.

3. EXECUTION OF THE MANDATE

3.1. Work programme

The ESOs are requested to communicate to the Commission, 9 months after the acceptance of this mandate, a work programme for the execution of the abovementioned standardisation tasks, indicating the new standards that need to be developed and the existing standards that require amendment or revision.

The work programme shall also indicate a timetable for the standardisation work with an order of priority based on an assessment of the quantity of equipment in use and its importance for safety.

The first phase of the standardisation work shall be devoted to the most widely used and safety-critical categories of equipment. Harmonised standards for other categories of equipment may be developed in a second phase.

3.2. Progress reports

The ESOs are requested to communicate to the Commission, every 18 months after the acceptance of this mandate, progress reports on the implementation of the tasks set out in this mandate, indicating any difficulties encountered.

3.3. Lists of harmonised standards

The ESOs are requested to communicate to the Commission, by 48 months after acceptance of this mandate, lists of harmonised standards supporting each of the Directives concerned - 94/9/EC, 97/23/EC and 2006/42/EC - developed during the first phase of the standardisation work mentioned in section 3.1. The lists shall include the titles of the standards in all of the official languages of the EU.

3.4. Texts of standards

The ESOs are requested to make available to the Commission the texts of the standards developed on the basis of this mandate (including the European standards based on international standards) in English, French and German.

3.5. Standstill period

Acceptance by the ESOs of this mandate starts the “standstill” period referred to in Article 7(1) of Directive 98/34/EC⁹.

4. ORGANISATIONS TO BE INVOLVED

As appropriate, the ESOs will invite the representative organisations of oil and gas producers, of manufacturers of ATEX equipment, pressure equipment and machinery, of small and medium-size enterprises (NORMAPME) and of workers (ETUI) as well as the representatives of the authorities of the Member States in charge of regulation of the offshore oil and gas industry to take part in the standardisation work.

CEN, CENELEC and ETSI are also requested to consult with the European Commission Directorate-General Joint Research Centre in order to explore if the Commission's research institutes dispose of specific competence to support the standardisation work.

⁹ OJ L 204, 21.7.1998, p. 37.