THE CABINET OF MINISTERS OF UKRAINE

RESOLUTION

No.967

of 5 November 2008

Kyiv

On Approval of the Technical Regulations on Transportable Pressure Equipment

In accordance with Article 14 of Law of Ukraine "On Standards, Technical Regulations and Conformity Assessment Procedures" the Cabinet of Ministers of Ukraine resolves to:

1. Approve the Technical regulations on transportable pressure equipment, and the plan of related implementation measures (attached).

2. Ministry of Industrial Policy to ensure implementation of the Technical regulations approved by this resolution.

Prime Minister of Ukraine

Y.TIMOSHENKO

Ind. 21

APPROVED

by Resolution of the Cabinet of Ministers of Ukraine No.967

of 5 November 2008
TECHNICAL REGULATIONS
on transportable pressure equipment

General provisions

1. These Technical regulations set forth principal requirements relating to transportable pressure equipment (hereinafter – the transportable equipment), as well as set forth principal requirements for safety, assessment of conformity, labeling, introduction into circulation and operation of such equipment, and set forth the procedure for periodic inspections and regulate supervision of compliance with requirements of these Technical regulations.

2. These Technical regulations are developed taking into account requirements of the Council of Europe Directive of 29 April 1999 # 1999/36 EC concerning transportable pressure equipment.

3. In these Technical regulations terms are used in the following meaning:

   assessment of conformity of new transportable equipment – a procedure for assessment of conformity of transportable equipment introduced into circulation after enactment of these Technical regulations;

   assessment of conformity of existing transportable equipment – a procedure for assessment of conformity of transportable equipment introduced into circulation during the period of enactment of mandatory implementation of these Technical regulations;

   periodic examination - a review and testing of transportable equipment that are carried out by a specialized organization in accordance with Resolution of the Cabinet of Ministers of Ukraine of 26 May 2004 # 687 "On approval of the Procedure for conducting inspections, testing and expert examination (technical diagnostics) of machines, mechanisms and equipment posing high risk" (Official gazette of Ukraine, 2004, # 21, p. 1434).

   Other terms are used in the meaning specified in Laws of Ukraine "On standardization", "On verification of conformity", "On accreditation of conformity assessment authorities", "On standards, technical regulations and conformity assessment procedures" and in Resolution of the Cabinet of Ministers of Ukraine of 26 May 2004 # 687 "On approval of the procedure for conducting an examination, the tests and expert examination (technical diagnostics) of machines, mechanisms and equipment posing high risk".

4. Rules set forth by these Technical regulations are applied during:

   assessment of conformity of new transportable equipment and its introduction into circulation;

   assessment of conformity of existing transportable equipment introduced into circulation in the period of enactment of mandatory implementation of these Technical regulations;

   periodic examinations for the purpose of determination of the possibility of further operation of transportable equipment.

5. These Technical regulations apply to on transportable equipment that is used for transportation of hazardous substances by automobile roads and railway, specifically:

   vessels (containers, batches of containers, cameras, pressure chambers and cryogenic containers);

   cisterns/containers, including reusable cisterns, transportable cisterns, portable containers, containers equipped with elements of transport vehicles – railway car tanks, cisterns or vessels
which are part of road-trains or railway trains, car cisterns, including valves (throttles) and other auxiliary equipment of cisterns used for transportation of gases of class 2 (GOST 19433-88), stabilized hydrogen cyanide of class 6.1 (GOST 19433-88), anhydrous hydrogen fluoride and hydrogen fluoride acid of class 8 (GOST 19433-88).

6. These Technical regulations shall not apply to:

automobile gas containers which are vessels for gaseous motor fuels;

transportable equipment introduced into circulation prior to the enactment of these Technical regulations;

transportable equipment that is used exclusively for transportation of hazardous substances in the territory of the European Community Member States which are subject to requirements of the Council of Europe Directive of 29 April 1999 # 1999/36 EC concerning transportable equipment that operates under pressure.

7. Activities of designated central executive authorities responsible for technical regulation shall be aimed at:

of the central executive authority responsible for issues concerning implementation of government policies in the sector of automobile and railway transport – at the implementation of these Technical regulations and technical regulation that concern only such transportable equipment that is permanently installed on automobiles or trains;

of the central executive authority responsible for issues concerning industrial safety, work safety and state supervision – at granting permits for performing works/services posing high risk to specialized organizations when conducting periodic examinations of transportable equipment.

8. Requirements, established by these Technical regulations, shall be mandatory for implementation:

by the producers or their authorized representatives or suppliers that are responsible for introduction of transportable equipment into circulation;

by owners or their authorized representatives or by lessees of the existing transportable equipment;

by designated authorities responsible for conformity assessment (hereinafter - designated authorities), which are subject to requirements specified by Resolution of the Cabinet of Ministers of Ukraine of 24 January 2007 # 59 "On approval of the Procedure for designating authorities responsible for assessment of conformity of products, processes and services to requirements of technical regulations" (Official gazette of Ukraine, 2007, # 6, p. 223), and by specialized organizations.

9. In the event of violation of requirements of these Technical regulations concerning preparation and registration of the declaration of conformity using the form presented in annex 1 and/or labeling of transportable equipment with the national mark of conformity and the mark of conformity to these Technical regulations (hereinafter - regulatory mark of conformity), the producer or supplier shall take measures (sections 50, 52, 53 and 55) for the purpose of elimination of the specified violations and bringing the transportable equipment into conformity with requirements of these Technical regulations.

10. It will be prohibited to introduce transportable equipment into circulation and operation without declaration of conformity, application of the national mark of conformity affixed in conformity with
the requirements of these Technical regulations and Resolution of the Cabinet of Ministers of Ukraine of 29 November 2001 # 1599 "On approval of description and rules for application of the national mark of conformity" (Official gazette of Ukraine, 2001, # 49, p. 2188), and of the regulatory mark of conformity based on the sample provided in Annex 2.

**Assessment of conformity and safety requirements relating to transportable equipment**

11. Transportable equipment and its component parts, including valves (throttles), in particular safety valves (throttles), admission and exhaust valves (throttles), valves (throttles) of cisterns, and other auxiliary equipment that directly carries out safety functions in the transportable equipment, will be required to conform to requirements of Law of Ukraine "On accession of Ukraine to the European Agreement on international carriage of dangerous goods", as well as to the enacted under this Law regulatory-legal acts issued by the designated central executive authorities, intergovernment acts relating to carriage of dangerous goods by railway, of the Technical regulations on verification of conformity of safety equipment that operates under pressure, approved by the State committee on technical regulation and consumer policy, and of these Technical regulations.

Conformity of transportable equipment shall be established by the designated authority exclusively in conformity with the procedure for assessment of conformity of transportable equipment (sections 13 - 35 of these Technical regulations).

Valves (throttles) and other auxiliary devices of the transportable equipment may be subject to other conformity assessment procedures which may differ from those applicable to containers or cisterns.

In particular, the said valves (throttles) or auxiliary devices shall be required to conform to requirements of the Technical regulations for verification of conformity of safety equipment that operates under pressure, approved by the State committee on technical regulation and consumer policy.

**A procedure for assessment of conformity of new transportable equipment**

12. To carry out an assessment of conformity of new transportable equipment to requirements of these Technical regulations, the producer or his authorized representative or a supplier responsible for introduction of the transportable equipment into circulation, shall be required to apply a procedure of conformity assessment in accordance with the Technical regulations for modules for assessment of conformity and requirements relating to application of the national mark of conformity, approved by Resolution of the Cabinet of Ministers of Ukraine of 7 October 2003 # 1585 (Official gazette of Ukraine, 2003, # 41, p. 2175).

In these Technical regulations, in addition to conformity assessment modules Aa, B, D, E, G, H and F, specified by Resolution of the Cabinet of Ministers of Ukraine of 7 October 2003 # 1585, the modules are use in accordance with requirements of the Council of Europe Directive of 29 April 1999 # 1999/36 EC concerning transportable equipment that operates under pressure – specifically Bb, Cc and Hh, which, in contract to modules B, C and H, have particular characteristics provided in sections 16 - 30 of these Technical regulations.

13. Depending on the category of transportable equipment, the producer or his authorized representative or a supplier responsible for introduction of such equipment into circulation, in the course of assessment of conformity shall apply, at one’s own choice, the following modules of assessment of conformity or combinations thereof:
<table>
<thead>
<tr>
<th>Category of transportable equipment</th>
<th>Characteristics of transportable equipment</th>
<th>Modules of assessment of conformity of transportable equipment</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>transportable equipment, for which product of pressure and volume does not exceed 100 MPa-liter (1000 bar-liter)</td>
<td>Aa or Bb in combination with Cc</td>
</tr>
<tr>
<td>2</td>
<td>transportable equipment, for which product of trial pressure and volume is more than 100, but does not exceed 300 MPa·L (more than 1000, but does not exceed 3000 bar·L)</td>
<td>H or B in combination with E, or B in combination with Cc</td>
</tr>
<tr>
<td>3</td>
<td>transportable equipment, for which product of pressure and volume exceeds 300 MPa·L (3000 bar·L)</td>
<td>G or Hh, or B in combination with D, or B in combination with F</td>
</tr>
</tbody>
</table>

14. In the course of assessment of quality management systems of the producer in conformity with modules D, E, H and Hh, the designated authority shall carry out an examination without notifying the producer, taking samples of transportable equipment in production facilities or warehouses for the purpose of verification of their conformity with requirements of these Technical regulations.

The designated authority shall visit the production facility at least twice during the first year of manufacture of transportable equipment, whereas frequency of further visits will be determined on the basis of criteria specified in relevant conformity assessment modules.

15. In the course of conducting conformity assessment procedures for transportable equipment in conformity with section 13 of these Technical regulations, the designated authority shall, in accordance with requirements of regulatory documents and regulatory-legal acts of the State committee for supervision in mining industry, approve use of the materials by the producer, if they are not subject to the existing standards or they are not included in the approved list of the materials, and examine the attestation of technologies for making solid joints/connections and attestation of the personnel which carry out such connections and un-destructive control.

**Module Bb (modified module B)**

16. Modules Bb describe a procedure for verification of conformity, under which a designated authority shall carry out an examination of technical documentation for transportable equipment and confirm that the design of such equipment conforms to requirements of these Technical regulations.

17. Producer or his authorized representative or a supplier responsible for introduction of transportable equipment into circulation, shall submit to a designated authority at one’s own choice an application for inspection of conformity of the design of the transportable equipment.

The application must contain:

full name and location of the producer or his authorized representative or the supplier, and in case of submission of the application by the authorized representative or supplier - also a document verifying the granting of such powers (authorization);
written verification that such application has not been submitted to other designated authority;

technical documentation in conformity with section 18 of these Technical regulations.

An application can be submitted for a few types (models) of transportable equipment, if distinctions between the types (models) do not affect the safety level.

18. Technical documentation is required to cover all stages of designing, production and use of the transportable equipment and to make it possible to assess its conformity to requirements of these Technical regulations.

Technical documentation must contain:

general description of the product;

design and assembly drawings, charts of the elements, blocks, basic schemes of electric circuits, etc.;

descriptions and explanations required for clarification of the specified drawings, schemes and such that concern operation of the product;

a list of standards with the list of national standards applied in full or in part, descriptions of decisions passed to comply with requirements of these Technical regulations, provided that the aforementioned standards have not been applied;

necessary estimates and justifications supporting the decisions adopted during the design stage, particularly if the standards from the list of national standards have not been applied in full. Such justifications must include results of the tests carried out in appropriate laboratories of the producer or in other laboratories as agreed;

results of design computations and estimates, inspections and tests performed, etc.;

information concerning attestation of personnel in conformity with requirements of applicable regulatory-legal acts.

19. The designated authority shall carry out an examination of technical documentation for the purpose of identification of the elements of transportable equipment that do not conform to requirements of national standards.

In such a case the designated authority shall be required to carry out an expert examination and an examination of technical documentation relating to the design of the transportable equipment in accordance with requirements of regulatory documents and regulatory-legal acts of the State committee for supervision in mining industry, in particular:

to approve use of domestic and imported materials, as well as of the materials producer under the latest technologies, if they are not subject to the existing standards or if these materials are not included in the officially approved list of materials;

to check the producer’s attestation of technologies for making solid joints and proper attestation of the personnel which carries out such connections/joints and undestructive control.

The designated authority shall carry out necessary inspection for establishing the elements of the design of the transportable equipment which were designed in conformity with relevant standards
from the list of national standards, as well as elements which were designed without applying relevant provisions of such standards.

In the event if the producer has applied standards from the list of national standards, a designated authority shall carry out necessary examination for verification of implementation of such standards.

If standards from the list of national standards have not been applied, the designated authority shall carry out an examination of conformity of decisions passed by the producer to requirements of these Technical regulations.

20. In the event where a typical design of transportable equipment conforms to requirements of these Technical regulations, the designated authority shall issue the producer or his authorized representative or a supplier a certificate of conformity of the examination of the design, which will remain valid during 10 years with a possibility of extension of the period of validity.

Such a certificate must include:

full name and location of the producer or his authorized representative or a supplier;

a conclusion concerning the inspection conducted;

data required for identification of the examined design of transportable equipment.

The certificate must be complemented by the list of technical documents.

A copy of the certificate shall be kept by the designated authority.

In the event of refusal to issue a certificate of conformity of examination of the design, a designated authority shall provide a detailed substantiation for this refusal.

21. Producer or his authorized representative or a supplier shall inform the designated authority which has issued a certificate of conformity of the examination of the design about all changes that are made to the design, which are subject to additional inspection, in the event where such changes may have an impact on conformity to requirements of these Technical regulations. Data of additional examinations shall be attached to the original certificate of conformity of the examination of the equipment design of the equipment.

22. Every designated authority shall provide other designated authorities at their request with information concerning issued certificates of conformity of examination of the equipment design, annexes relating to certificates, as well as data concerning cancelled certificates or rejection to issue certificates.

23. Other designated authorities have the right to obtain copies of certificates of conformity of examination of the equipment design. Copies of annexes to the certificates also may be provided to such authorities.

24. Producer or his authorized representative or supplier responsible for introduction of transportable equipment into circulation, shall keep, together with the technical documentation, copies of certificates of conformity of examination of the equipment design and copies of relating annexes during 10 years.
Module Cc (modified module C)

25. Modules Cc describe a procedure for verification of conformity, using which the producer or his authorized representative or supplier shall guarantee and declare that transportable equipment conforms to the type specified in the certificate of conformity of examination of the type (in accordance with module B) or the certificate of conformity of the examination of the equipment design (in accordance with module Bb), and to requirements of these Technical regulations.

Producer or his authorized representative or supplier shall fill out a declaration of conformity using the form presented in annex 1 and register it in the appropriate authorized central executive authority.

Only producer or his authorized representative is authorized to affix to each unit of transportable equipment the national mark of conformity.

Under the responsibility of the designated authority, the producer or his authorized representative shall affix to each unit of transportable equipment the identification number of the designated authority.

26. Producer or his authorized representative or the supplier shall be required to take measures for ensuring that the production process conforms to the type of products specified in the certificate of conformity of examination of the type (in accordance with module B) or the certificate of conformity of examination of the equipment design (in accordance with module Bb), as well as to requirements of these Technical regulations.

27. Producer or his authorized representative or supplier responsible for introduction of transportable equipment into circulation, shall keep the copy of the declaration of conformity during 10 years after the last item of transportable equipment was produced.

28. The designated authority chosen by the producer or by his authorized representative or by the supplier shall carry out an examination of transportable equipment after arbitrary periods of time.

For purposes of inspection the designated authority shall take, at the of production site, same end products, examine and test them in conformity with relevant standards from the list of national standards, or shall carry out equivalent tests to examine conformity of the sample product to requirements of these Technical regulations.

During product examination the designated authority will be required:

to make sure that the producer indeed carries out final assessment;

to select for purposes of control a few units of transportable equipment at the production site or at the warehouse. The designated authority shall itself make a decision concerning a number of selected samples, as well as whether or not it will be necessary to carry out (or authorize) the testing(complete or partial) of the selected samples.

In the event where one or several examined samples do not conform to requirements of these Technical regulations, the designated authority, acting within the limits of its competence, will take necessary measures to ensure conformity of the products with requirements of these Technical regulations.
Module Hh (modified module H)

29. V modules Hh describes a procedure for examination of the design of transportable equipment that is specified in module H, for compliance with the following requirements:

the producer or his authorized representative or the supplier responsible for introduction of transportable equipment into circulation, shall file to a designated authority an application for examination of the design of the transportable equipment.

The application must include a description of the design, production technology and operation instructions for the transportable equipment. The application is to ensure possibility of verification of conformity to requirements of these Technical regulations. In addition to that, the application must be complemented with information explaining a procedure for design, manufacture and operation of the transportable equipment and to make it possible to assess conformity thereof to requirements of these Technical regulations, technical specifications, including standards, which will be applied, as well as necessary proofs that the design decision corresponds to the results of the tests carried out by appropriate laboratory of the producer or by the third party on behalf of the producer;

The designated authority shall examine the application and issue the producer or his authorized representative or the supplier a certificate of conformity of examination of the equipment design, if such equipment conforms to requirements of these Technical regulations. The certificate shall include results of the examinations, terms of validity, data required for identification of the certified design, and, if required – a description of the mode of operation of the transportable equipment and its component parts;

The producer or his authorized representative or the supplier shall notify the designated authority which has issued a certificate of conformity of examination of the equipment design, of all changes in the certified transportable equipment. The said changes will require additional approval by the designated authority that has issued the certificate, if such changes may affect conformity of the transportable equipment to requirements of these Technical regulations or conditions of operation of the transportable equipment. Additional approval will be issued in the form of an annex to the main body of the certificate of conformity of examination of the equipment design;

Every designated authority shall also provide other designated authorities, upon their requests, with necessary information concerning canceled or rejected.

30. Transportable equipment shall be subject to strict supervision in the form of ad-hoc inspections without notifying the producer by the designated authority for the purpose of the final assessment of conformity of transportable equipment to requirements of these Technical regulations. During such inspections the designated authority shall carry out expert examinations of transportable equipment.

Assessment of conformity of the existing transportable equipment

31. Conformity of the existing transportable equipment shall be established by the designated authority in accordance with modules specified in section 13 of these Technical regulations, taking into account provisions of this section.

The authorized central executive authority:

may permit to carry out assessment of conformity of existing transportable equipment and its component parts, including valves (throttles) and other auxiliary devices, to the specialized organizations on condition that the assessment (type examination) shall be carried out by the designated authority;
should not prohibit, limit or prevent introduction into circulation or operation of the existing transportable equipment which conforms to requirements of these Technical regulations and is marked with the national mark of conformity and the regulatory mark of conformity (Annex 2).

32. The owner or his authorized representative or the lessee will be required to submit to a designated authority upon the demand of the latter the documentation concerning existing transportable equipment, using which the designated authority will be able to identify the equipment (its origin, principles of the design and in case of assessment of conformity of acetylene containers – detailed description of the porous mass).

If necessary, the owner or his authorized representative or the lessee will notify to the designated authority any restrictions in the use of transportable equipment and will send notifications concerning damages to such equipment, which have taken place, and concerning repairs performed.

33. The designated authority shall be required to inspect the existing transportable equipment, including valves (throttles) and other auxiliary devices that have protective functions to guarantee safety of such equipment, requirements to which are specified in section 11 of these Technical regulations. Such inspection must be carried out on the basis of documents prepared in accordance with section 32 of these Technical regulations, and, if required, on the basis of the results of additional inspections.

34. If results of the examination specified in section 33 of these Technical regulations have proven satisfactory, the transportable equipment shall be subject to periodic examinations as provided in section 36 of these Technical regulations, and if not – such transportable equipment shall not be allowed to be used, since elimination of the identified defects and further examination of adjusting measures are impossible.

35. Assessment of conformity of the existing transportable equipment and his component parts, including valves (throttles) and other auxiliary devices, which is relating to a separate inspection of such equipment, as specified in sections 32 and 33 of these Technical regulations, can be carried out by specialized organizations on condition that the designated authority has already performed relevant measures for conformity assessment of such equipment.

**Periodic examination and further operation of the transportable equipment**

36. Periodic examination shall be carried out for the purpose of determination of quality of manufacture, assembly, repair, redesigning and modernization, terms and periods for further safe operation of the transportable equipment, of assessment of the technical conditions of such equipment and its component parts, including valves (throttles) and other auxiliary equipment, of examination of their conformity to requirements of these Technical regulations and regulatory-legal acts adopted by the Ministry of transport and communications and the State committee for supervision in mining industry.

The designated authority shall organize periodic examination of transportable equipment, including valves (throttles) and other auxiliary devices. Such an examination shall be carried out by the designated authority or by a specialized organization in accordance with the procedure specified in sections 37 - 39 of these Technical regulations, module 1.

In addition to that, the right to conduct periodic examinations of transportable equipment can be given to a specialized organization under supervision of the designated authority in accordance with the procedure specified in sections 40 - 43 of these Technical regulations, module 2.
Module 1 (periodic examination of transportable equipment)

37. Module 1 contains a description of the procedure under which the owner or his authorized representative or the lessee is to guarantee that the transportable equipment continues to conform to requirements of these Technical regulations.

38. The owner or his authorized representative or the lessee shall be required to take all necessary measures to ensure that operating conditions and technical maintenance conditions guarantee conformity of the transportable equipment to requirements of these Technical regulations and, in particular, ensure:

- operation of transportable equipment only for intended purposes;
- filling the transportable equipment with substances that are to be transported only at the filling sites specified by the producer;
- timely performance of service or repair operations and conducting periodic examinations of the transportable equipment.

The owner or his authorized representative or the lessee will keep documentary records regarding measures taken in accordance with requirements of the Resolution of the Cabinet of Ministers of Ukraine of 26 May 2004 # 687 "On approval of the Procedure for conducting inspections, tests and expert examination (technical diagnostics) of machines, mechanisms, equipment posing high risk" and of regulatory documents and regulatory-legal acts adopted by the State committee for supervision in mining industry and shall, at first demand, provide such documents to the representatives of the designated central executive authority.

39. The designated authority or a specialized organization will be required to perform proper periodic examinations - reviews and tests by way of inspecting and testing each unit of the transportable equipment for the purpose of examinations of its conformity to requirements of these Technical regulations.

All transportable equipment must undergo separate inspections and are subject to proper periodic inspection and tests for the purpose of establishing its conformity to requirements of these Technical regulations.

The designated authority or a specialized organization will be required to affix, or authorize the producer or his authorized representative or the lessee to affix its identification number on each unit of the transportable equipment that is subject to periodic examination. Immediately after completing such an examination the designated authority or a specialized organization shall make a relevant record the equipment passport/documentation regarding results of the periodic examinations, allowed parameters of operation and the period for the next technical inspection, which must be signed and sealed in accordance with requirements of Resolution of the Cabinet of Ministers of Ukraine of 26 May 2004 # 687 "On approval of the Procedure for conducting inspections, tests and expert examination (technical diagnostics) of machines, mechanisms, equipment posing high risk", and in case of absence of the equipment passport – will make a record in conformity with requirements of regulatory documents and regulatory-legal acts adopted by the State committee for supervision in mining industry.

The owner or his authorized representative or the lessee will be required to keep the records relating to periodic examinations until the following examinations.
Module 2 (periodic examination of quality assurance)

40. Module 2 contains a description of the procedure under which:

the owner or his authorized representative or the lessee, performing duties specified in section 41 of these Technical regulations, will guarantee and declare that the transportable equipment conforms to requirements of these Technical regulations, and will be required to indicate the date of the periodic examinations on the inspected transportable equipment and in writing declare that the periodic examinations has been performed in compliance with requirements of these Technical regulations. In addition to the date of the periodic examination the identification number of the designated authority responsible for supervision under the certified (approved) system for quality management, must be indicated as specified in section 43 of these Technical regulations;

the designated authority or a specialized organization that performed a periodic examination of cisterns, confirm that the transportable equipment conforms to requirements of these Technical regulations. The designated authority or specialized organization shall be required to indicate the date of conducting periodic examinations on the examined transportable equipment and issue a certificate concerning this examination. In addition to the date of the periodic examination, an identification number of the designated authority or a specialized organization shall be indicated.

41. The owner or his authorized representative or the lessee shall be required to use all necessary measures to ensure that conditions of operation and technical servicing ensure conformity of the transportable equipment to requirements of these Technical regulations and, in particular, ensure:

operation of the transportable equipment only for intended purposes;

filling the transportable equipment with substances that are to be transported only at the filling stations specified by the producer;

timely performance of service or repair activities and conducting periodic examinations of the transportable equipment.

In addition, the owner or his authorized representative or the lessee will be required:

to maintain documentary records regarding measures and, at the first request, provide such documents to the representatives of the designated central executive authority;

to guarantee availability of highly qualified personnel and means necessary for conducting periodic examinations;

to have all necessary facilities which would ensure proper performance of relevant technical and administrative functions relating to examinations and control;

to have access to equipment that is necessary for performing special examinations;

to use a certified system of quality management for conducting periodic examinations and tests of the transportable equipment, as specified in section 42, and to carry out supervision as specified in section 43 of these Technical regulations.

Employees responsible for conducting an examination will be required to:

Have proper qualification, technical or professional-technical education and adequate experience in the area of examinations;
Be familiar with requirements relating to the procedure for conducting an examination;

Conduct assessment and an examination on the proper professional and technical level of competence;

Be able to provide, based on the results of the examination, professional assessment of conformity of the transportable equipment to general requirements and prepare relevant reports;

Be familiar with the procedure for operation or target operation of the transportable equipment which is being examined, and possible defects that may show during its operation or use;

Have an extensive knowledge in the area of technologies that are used for production of transportable equipment, which they examine, including production of its component parts, valves (throttles) and other auxiliary devices.

**A system for quality management**

42. A specialized organization (including the owner or his authorized representative or the lessee, if they have a permission of the State committee for supervision in mining industry to carry out works as a specialized organization) shall file an application to a designated authority, chosen at one’s own choice, for certification of its system for management of quality of examination of transportable equipment. The application must contain information relating to the transportable equipment which is subject to periodic examination, and documentation relating to operation of the quality management system.

Under the system of quality management every unit of transportable equipment must undergo examination and proper testing to ensure that such equipment conforms to requirements of these Technical regulations.

All documentation concerning transportable equipment subject to periodic examination, and the documentation relating to operation of the quality management system must be properly structured and systematized in written form as instructions, procedures and guides.

The documentation relating to operation of the quality management system must provide clear information regarding programs for assurance of quality, plans, guidelines and protocols concerning quality and include information regarding:

- Purpose of the quality management system and its organizational structure, responsibilities and powers of the management with respect to product quality;
- Methods for examination and tests which must be applied after the manufacturing of the products;
- Facilities ensuring permanent control of effectiveness of operation of the quality management system;
- Data relating to verification of measuring instruments and devices, attestation of the personnel or clearance of employees working in this sphere, particularly those who carry out solid connections and undestructive control, in conformity with requirements of regulatory-legal acts adopted by the State committee for supervision in mining industry, which concern attestation of welders and personnel relating to undestructive control (if such control is applied).

The designated authority shall carry out assessment of conformity of the quality management system to determine if it conforms to requirements that are specified in this section.
A commission of the designated authority for examination that shall carry out assessment of conformity of the quality management system must have at least one member having an experience with assessment of technology of production of the transportable equipment in question.

Activities relating assessment of conformity of the quality management system require examination of the premises of the specialized organization.

Findings of examination and a substantiated decision concerning certification or rejection in certification of the quality management system shall be sent to the specialized organization.

A specialized organization is required to inform a designated authority which certified the system for quality management, of any intention to introduce any changes in this system.

The designated authority shall carry out assessment of the proposed changes and will pass a decision regarding further conformity of the quality management system to requirements specified in this section, or its re-assessment, and shall notify the specialized organization of its decision, findings and substantiation.

**Supervision over the certified system of quality management**

43. The designated authority:

performs supervision of the operation of the quality management system to examine how the specialized organization carries out duties following from the certified quality management system;

periodically conducts an examination of how the specialized organization maintains a proper state of the quality management system and submits to it relevant reports;

may conduct, in addition to periodic, ad-hoc examinations without warning the specialized organization, during which, if required, it will carry out tests of the transportable equipment, provided that justified reasons for that exist.

When conducting the specified inspections, the designated authority, if necessary, may carry out tests to control if the quality management system operates properly. A report on such examination and a protocol for the tests shall be submitted to the specialized organization.

A specialized organization ensures access of the designated authority to the controlling premises, premises where tests are conducted and transportable equipment is stored, and will provide necessary information, including documentation relating to operation of the quality management system, technical documentation, reports concerning inspections and results of the tests, information regarding verification of measuring devices, personnel attestation, etc..

44. A specialized organization will, during 10 years from the moment of the last periodic examination of the transportable equipment, keep and provide, as required by legislation:

documentation relating to operation of the quality management system specified in section 42 of these Technical regulations;

documentation concerning introduction to the quality management system of the changes specified in section 42 of these Technical regulations;

decision and reports of the designated authority specified in sections 42 and 43 of these Technical regulations.
Requirements relating to a specialized organization

45. Requirements relating to a specialized organization and a procedure for granting it a permission to conduct activities posing high risk are specified in resolutions of the Cabinet of Ministers of Ukraine of 15 October 2003 # 1631 "On approval of the Procedure for granting permits by the State committee for supervision of work safety and by its territorial divisions" (Official gazette of Ukraine, 2003, # 42, p. 2222) and of 26 May 2004 # 687 "On approval of the Procedure for conducting inspections, tests and expert examination (technical diagnostics) of machines, mechanisms, equipment posing high risk".

Labeling

46. Affixing the national mark of conformity and the regulatory mark of conformity to the transportable equipment that conforms to requirements of these Technical regulations shall be carried out in accordance with the description and rules for application of the national mark of conformity, approved by Resolution of the Cabinet of Ministers of Ukraine of 29 November 2001 # 1599 "On approval of the description and rules for application of the national mark of conformity", and in accordance with Annex 2 of these Technical regulations.

47. The national mark of conformity and the regulatory mark of conformity shall be affixed to the integral solid part of the transportable equipment and/or to the label. The place and method of the affixing shall be established by the producer of the equipment. The method of affixing must ensure clear readability and visibly of such marks of conformity during the entire period of operation of the transportable equipment. It is allowed to affix such marks also to the packaging, operating and accompanying documentation, etc.

48. In the event where the transportable equipment is subject to other technical regulations, which provide for affixing of the national mark of conformity, presence of such a mark will signify conformity with requirements of such technical regulations.

If one or several specified technical regulations during a certain transitional period provides the producer or his authorized representative or the supplier with opportunity to choose conformity assessment procedures, presence of the affixed national mark of conformity will signify conformity of the transportable equipment to requirements of only those technical regulations which were followed in this particular case by the producer or his authorized representative or the supplier. In such a case documentation, guidelines and operating instructions, which in accordance with such technical regulations are to complement the transportable equipment, must contain references to publications of such technical regulations.

49. It will be prohibited to affix to the transportable equipment marks which may be mistaken for the national mark of conformity or the regulatory mark of conformity. Any other labeling may be affixed to the transportable equipment only on condition that it does not hamper visibility or clarity of the affixed conformity marks.

50. In the course of addressing issues relating to incompliant labeling the following conditions must be taken into account:

if it is established that application of the national mark of conformity and the regulatory mark of conformity is performed without proper justification, the producer of the transportable equipment or his authorized representative or the supplier will be required to prevent further distribution of such transportable equipment, eliminate the identified defects and file an application for verification of conformity of this transportable equipment. The authorized central executive authority performing functions of technical regulation in the area of safety of transportable equipment also will apply
relevant measures to those who have affixed such marks and will notify that to other designated authorities;

if legitimacy of the application of the national mark of conformity or the regulatory mark of conformity has not been proven, the designated central executive authority performing functions of technical regulation in the area of safety of transportable equipment will take all necessary measures to limit or prohibit introduction into circulation of this transportable equipment and to ensure it’s elimination from the circulation.

**Supervision over compliance with requirements of these Technical regulations**

51. The authorized central executive authority responsible for issues concerning industrial safety, work safety and state supervision will allow to demonstrate at fairs, exhibitions, presentations, etc., the transportable equipment which does not conform to requirements of these Technical regulations, on condition that it will be stated on a clearly visible plate that this equipment does not conform to these requirements and can be purchased only after the producer or his authorized representative or the supplier responsible for introduction of the transportable equipment into circulation obtains the certificate of conformity. During such displays in accordance with requirements of all competent authorities it will be necessary to take proper measures for ensuring people’s safety.

52. If a designated authority has established presence of the risks for life and health of people, animals, plants and environment in the transportable equipment that is applied in accordance with its designated use and bears the national mark of conformity and the regulatory mark of conformity, it will as soon as possible report it to the authorized central executive authorities, prepare a draft decision concerning handling of such equipment and substantiate its decision.

53. The authorized central executive authority performing functions of implementation of these Technical regulations and control over compliance to their requirements shall carry out consultations with the interested party and appoint a committee to examine the draft decision specified in section 52 of these Technical regulations.

If as a result of the discussions the appointed committee establishes that the identified deviations from conformity indeed have taken place and that the draft decision is legitimate, the committee shall report it to the designated authority that has identified the risk and will take necessary measures to exclude the transportable equipment from the circulation.

In the event where the committee as a result of the discussions establishes that the draft decision relating to the specified equipment is not justifiable, the committee shall notify it to the designated authority which has prepared the decision, as well as the producer or his authorized representative or the supplier.

If the decision referred to in section 52 of these Technical regulations is caused by the flaws in the standards, the committee will immediately engage the central executive authority in the area of standardization to eliminate the established flaws.

54. Any decision adopted during the implementation of these Technical regulations and aimed at limiting the introduction into circulation and operation of the transportable equipment or its exclusion from the circulation, must be substantiated in detail and must be submitted to the authorized central executive authority performing functions of implementation of these Technical regulations and control over compliance with their requirements, specifying regulatory documents and regulatory-legal acts whose requirements were not complied with.

55. If the labeling of transportable equipment with the national mark of conformity and the regulatory mark of conformity was affixed incorrectly, the producer or his authorized representative
or the supplier responsible for introduction of transportable equipment into circulation, or the owner or his authorized representative or the lessee shall ensure conformity of the transportable equipment to requirements relating to labeling in accordance with provisions of these Technical regulations. If this labeling still does not conform to requirements of these Technical regulations, the designated central executive authority performing functions of technical regulation in the area of safety of transportable equipment, will prohibit and restrict introduction into circulation and operation of such transportable equipment.

56. Managers of manufacturing enterprises or their authorized representatives or suppliers who are responsible for introduction of transportable equipment into circulation, or owners or their authorized representatives or lessees shall be held responsible in accordance with legislation for:

including false data in the declaration of conformity;

manufacture of the transportable equipment and provision of services without documentary verification of their conformity.

57. Managers of manufacturing enterprises or their authorized representatives or suppliers that are responsible for introduction of transportable equipment into circulation, or owners or their authorized representatives or lessees and providers of services (trading organizations, assemble and repair organizations) shall be held responsible in accordance with legislation for damages caused to life or health of people, property and environment.

58. The designated authorities are required to ensure confidentiality of information that constitutes a commercial secret of the producer of the transportable equipment or his authorized representative or the supplier responsible for introduction of such equipment into circulation, or of the owner or his authorized representative, or the lessee.
DECLARATION
of conformity of transportable pressure equipment to requirements of the
Technical regulations

______________________________________________________________________________________
(full name of the producer of the transportable equipment
______________________________________________________________________________________
or his authorized representative or supplier,
______________________________________________________________________________________
represented by
______________________________________________________________________________________
(job title, surname, first and second name)
______________________________________________________________________________________
confirms that ________________________________________________________________________
______________________________________________________________________________________
(full name of the transportable pressure equipment,
______________________________________________________________________________________,
type, make, model)
which is produced in conformity with
______________________________________________________________________________________,
(name/title and indication/mark of regulatory documents,
______________________________________________________________________________________,
which verify conformity to Technical regulations)
conforms to the Technical regulations on the transportable pressure equipment.
Certificate of conformity* _______________________________________________________________
(number of the certificate of conformity, date of its registration, period of
effectiveness,
______________________________________________________________________________________,
name and location of the designated conformity assessment authority)
This declaration is prepared under full responsibility of_______________________________________
______________________________________________________________________________________
(full name of the producer
______________________________________________________________________________________
or his authorized representative or supplier)
______________________________________________________________________________________
(job title of individual who prepared the declaration) (signature) (initials and surname)
Place of seal ___ ____________ 20__ Place for the mark concerning registration
of the declaration of conformity

* Applied in case the producer uses a module in which the procedure of assessment of conformity of transportable pressure
equipment must be carried out by the designated authority.
SAMPLE MARK OF CONFORMITY
to the Technical regulations on transportable pressure equipment

A sample mark of conformity to the Technical regulations on transportable pressure equipment is presented below

In the event of increasing or decreasing the size of the mark of conformity its proportions must be preserved.

The mark of conformity must have the vertical dimension not less than 5 millimeters. For small devices it will be allowed to deviate from the specified dimension.

APPROVED
by Resolution of the Cabinet of Ministers of Ukraine
of 5 November 2008 # 967
## PLAN OF MEASURES
concerning implementation of the Technical regulations on transportable pressure equipment

<table>
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<tr>
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<td><strong>Preparatory stage</strong></td>
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| 1. Establishing an advisory – methodological center regarding           | Ministry of industrial policy  
Ministry of transport and communications  
State committee on technical regulation and consumer policy  
State committee for supervision in mining industry                      | IV quarter 2008                  |
| implementation of the Technical regulations                             |                                                                                 |                                 |
| 2. Agreeing and officially publishing the list of national standards,   | State committee on technical regulation and consumer policy  
Ministry of industrial policy  
Ministry of transport and communications  
State committee for supervision in mining industry                      | Permanently                      |
| which in case of voluntary implementation serve as a proof of          |                                                                                 |                                 |
| conformity of transportable equipment to requirements of the           |                                                                                 |                                 |
| Technical regulations; formulation of a draft plan for state           |                                                                                 |                                 |
| standardization relating to development of national standards          |                                                                                 |                                 |
| harmonized with international standards and their updating             |                                                                                 |                                 |
| 3. Bringing regulatory-legal acts of ministries and other central      | Ministry of industrial policy  
Ministry of transport and communications  
State committee for supervision in mining industry                      | IV quarter 2008 - 2010 year      |
| executive authorities in conformity with provisions of the Technical   |                                                                                 |                                 |
| regulations                                                             |                                                                                 |                                 |
| 4. Promoting implementation of the Technical regulations through        | - " " -                                                                        | - " " -                         |
| mass media and by means of conducting seminars and conferences         |                                                                                 |                                 |
| 5. Preparing national manufacturing enterprises for production of      | Ministry of industrial policy                                                   | - " " -                         |
| transportable equipment in conformity with requirements of the         |                                                                                 |                                 |
| Technical regulations                                                  |                                                                                 |                                 |
| 6. Preparing authorities responsible for conformity assessment for      | State committee on technical regulation and consumer policy  
Ministry of industrial policy  
Ministry of transport and communications  
State committee for supervision in mining industry                      | IV quarter 2008 - 2009 year      |
<p>| carrying out activities relating to verification of conformity to the  |                                                                                 |                                 |
| Technical regulations                                                  |                                                                                 |                                 |</p>
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<td>7. Promoting voluntary application by enterprises of conformity assessment procedures for transportable equipment in compliance with requirements of the Technical regulations, other regulatory-legal acts of Ukraine and, at the producer’s choice – with European provisions</td>
<td>11. adjusting the Technical regulations based on the results of their voluntary implementation (if necessary)</td>
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<tr>
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<td>2010 year</td>
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<td>8. Gradual development, updating and implementation of national standards harmonized with European standards, in accordance with annual plans of state standardization; revision and introduction of changes to the national standards in conformity with annual plans of state standardization</td>
<td>12. Facilitating mandatory application of the Technical regulations by enterprises</td>
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<tr>
<td>State committee on technical regulation and consumer policy</td>
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<tr>
<td>State committee for supervision in mining industry</td>
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<tr>
<td>Permanently</td>
<td>From 2011 onwards</td>
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