

ATEX Stakeholders

February 2010

Dear ATEX Stakeholder,

**ATEX Stakeholder report – February 2010**

The main purpose of this report is to update you on the discussions at the ATEX Working Group meeting which took place on 16 December. I have attached a note of the meeting as an annex to this letter, but a few headlines are summarised below. An ATEX Administrative Co-operation (ADCO) meeting took place the previous day.

- The UK presented a paper on clarification of markings for equipment used outside a potentially explosive atmosphere that contains an internal potentially explosive atmosphere. The UK will provide text for the Guidelines in time for the next meeting.
- The Orgalime paper on the format of documentation for ATEX equipment was discussed once more. The consensus among Member States and the Commission shows a preference for paper documentation.
- ExNB had discussed the UK paper on evidence of production control and considered that there should not be a link between QA and the EC type examination. The UK will consider this response and reply in writing.
- The UK presented a paper on the content of test reports of EC type examinations. This will be discussed further at the next meeting, but the Commission confirmed that a test report should always be provided.
- A new list of ATEX harmonised standards is to be published and will include a date of first publication for each.
- “State of the art” continues to be a subject of much debate in CENELEC TC31.
- Proposals to increase permitted fluctuations of electricity supply in EN 50170 on voltage consistency and performance of the electricity supply have been postponed for a year. The proposals would take the permitted variations outside the tolerances allowed for in ATEX equipment. Energy regulators and generators will press for revision in one year. The ATEX community needs to keep a close eye on developments - CENELEC TC8X is responsible for the standard.

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- The Commission is working towards an omnibus measure to align ATEX with the New Legal Framework. Public consultation by the Commission on an impact assessment will start in early 2010.
- The next ATEX Working Group meeting is likely to be in late June/early July, following the next ADCO on 23 and 24 June.

As well as the summary of the Working Group meeting, I also wanted to mention an issue that has been raised by other Member States concerning EN 1755 on industrial trucks and their operation in potentially explosive atmospheres.

Concerns have been expressed that that fork-lift trucks for Zone 2 (equipment category 3G) are being placed on the market, which are not in conformity with EN 1755. Trucks have been found to include unprotected components that spark in normal operation. In addition, in some cases the gas detection instruments were not working correctly.

Equipment installed in Zone 2 needs to comply with the requirements for category 3G. The benchmark for the required level of safety is the harmonised standard EN 60079-15. Mobile equipment, which is intended for use in Zone 2, has to provide the same level of safety, even if EN 60079-15 has not been applied. The additional use of gas detection instruments in EN 1755 was intended to cover only the increased risk, that explosive atmosphere could ingress into the restricted breathing enclosure faster than normal, due to thermally initiated air exchange. This would comply with the approach to consider the "under regular service expected occurrences" during the risk assessment, which is inherently contained in the standard.

The requirements of EN 1755 have not been written to cover normally sparking electrical equipment without protection into Zone 2. This has led to suggestions that the standard is being misused and that the withdrawal of the option to use gas detection instruments might be discussed. If you have any thoughts or comments on this issue, please let me know and I will include it in the UK input to the debate.

Finally, as ever, if you have any questions or comments, please do get in touch.

Regards,

*A.D. Lunnon*

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**Informal note of ATEX Working Group  
16 December 2009 - Brussels****1. Directive 94/94EC: interpretation questions***Clarification to EHSR 1.0.6 (c) and chapter 10.1.3 of the ATEX Guidelines*

Three proposed clarifications had been received from France, Cyprus and the Netherlands. It was agreed that all would be put on four week circulation on CIRCA. The Commission will summarise any comments for a further four week circulation and if necessary, the matter will be discussed again at the next meeting.

*Category 3 Goods EC-Type Examination Certificates*

The proposal from France and Germany for Clarification Sheet for Equipment in Categories 2 or 3 was discussed. It was suggested that the paper might also include equipment to be placed outside zones that provides protection into a zone.

*Remarks on the consideration paper on filter units and vented silo bins*

Mr Dill said that he had commented on the consideration paper as it used an explosion vent as an example of explosion prevention. This is not correct since the safety provided by an explosion vent should not be compared with provisions for the avoidance of explosions. The UK said that it would be useful to retain the reference to the explosion vent as an example of integrated explosion safety in reference to Annex II 1.0.1. This was accepted.

*UK paper on clarification of markings for equipment used outside a potentially explosive atmosphere that contains an internal potentially explosive atmosphere.*

The UK presented a paper seeking clarification in the current ATEX Guidelines on the marking of equipment containing internal potentially explosive atmospheres. It was concerned to avoid warnings of such areas that could be misinterpreted as a marking under 94/9/EC as this could mislead users. It was thought that the ATEX use Directive (99/92/EC) might provide a suitable solution. The UK will propose new text for the Guidelines in time for the next meeting.

*Format of the documentation required by (among others) the ATEX Directive*

The Commission reiterated its preference for paper documentation – safety related documentation should be available at all times where it was needed and electronic means were not always suitable for this. It reported that that the most recent version of the LVD guidance allowed for the possibility of electronic support for documentation, although the new Machinery Directive guidance reaffirmed a preference for paper. The Commission asked for views on the Orgalime paper. Some Member States said that they could not accept electronic documentation. The Commission concluded that the ATEX guidance should follow that for Machinery, but acknowledged the need to co-ordinate with other Directives.

*Requesting evidence of production control*

ExNB had discussed the UK paper in November and provided their response. ExNB considered that there should not be a link between QA and the EC type examination, although some information on manufacturer processes might be needed during testing. The UK will consider the ExNB response and reply in writing.

*UK paper on provision of test reports for EC type examinations.*

The UK presented its paper saying that concerns had been raised by UK Notified Bodies that there were wide variations between the reports provided for EC type examinations. Some NBs provide a very short report, others provide none at all. At a previous meeting, the UK had provided some text for the Guidance stating that the test report was integral to a product's certification and should be provided, but this did not seem to have addressed the inconsistencies. To try to address the issue, the UK suggested a minimum level of information to be included in the test report should be set out in the Guidance. The Commission commented that the test report should always be provided and the UK paper will be considered further at the next meeting. In the meantime, the Commission will check the guidance on test reports for other Directives.

**2. Progress on standardisation***ATEX Harmonised standards*

The Commission reported that a new list of harmonised standards was ready for publication in January and will include a date of first publication for each.

*Standardisation work in CEN TC 305*

The last meeting of TC 305 took place in October in Dublin. It was decided that the transitional period for superseded standards should be considered on a case by case basis and the date of withdrawal for old standards will be extended to up to three years in line with CENELEC. A joint meeting of CENELEC TC31 and CEN TC 305 had discussed the state of art in relation to standards. It was proposed that a joint stakeholder advisory group should discuss any changes made to standards and advise the TC on whether it thought the state of the art had changed.

IEC TC31M met in October to work on the international level looking at EN 13980 on quality systems for equipment manufacturers – this is now at enquiry stage, which will end in April. The group is also looking at EN1710 on mining equipment – this will be launched as a new project at the end of 2009. An ad hoc group will discuss standards on protective systems at an international level in 2010.

*Standardisation work in CENELEC TC 31*

CENELEC reported that it had now published EN 60079-0 following delays due to disagreements on state of the art. There was no summary of changes in the EN version, but the IEC "red -line" version was marked up to show changes and the reasons why they had been made.

The TC31 meeting in Dublin at the end of October was dominated by state of the art. TC31 remains polarised on the issue, but agreed that there should be a joint working group with CEN TC 305 to discuss changes to standards.

*Report by ATEX CEN/CENELEC consultant*

There was a discussion on voltage tolerances in public distribution systems, following a meeting the previous day (15 December) concerning EN 50170 on voltage consistency and performance of the electricity supply. The latest version of the standard proposed an increase in permitted fluctuations of supply which would take it above the tolerances allowed for in ATEX equipment. Equipment manufacturers at the meeting had asked for the draft to revert to the original text as an interim measure – this was agreed, but energy regulators and generators will press for revision in one year. The ATEX community needs to keep a close eye on developments - CENELEC TC8X is responsible for the standard.

*Substantial modifications due to changes from standards series EN 50014 to EN 60079*

The UK had commented on the CEN TC31 paper on state of the art given at the previous meeting. The UK said that summaries of changes to standards (Annex ZY) were a good idea, but they should be backed up by a robust decision making process on when the state of art had changed. The UK could not accept the assertion from some quarters that the state of art for ATEX standards was so high that it could no longer be improved. The Commission gave its support for the sentiments expressed by the UK.

*Update on proposal on “International legal requirements for explosion protection” submitted to UNECE*

Germany reported that Common Regulatory Objectives (CROs), including a life cycle approach for ATEX equipment will be discussed at the next meeting in Berlin during August and that national stakeholder groups would be invited. The aim is to provide a “quick start” in establishing rules on ATEX (covering both the supply and use of equipment) for countries that don’t have any requirements at the moment. Reports of the UNECE Working Group 6 meetings are available on the UNECE website (<http://www.unece.org/trade/wp6/welcome.htm>).

### **3. Report by ATEX ADCO chair**

The Netherlands gave an oral report of the business from the ATEX ADCO meeting of 15 December. The Chair for the ADCO in 2010 will be Sweden.

### **4. Co-operation between Notified Bodies**

*Update of the list of existing NB clarification sheets*

The Commission said that only clarifications “noted” by the Standing Committee were published on the EU ATEX website. A number of sheets had been put on CIRCA to be noted by the SC via written procedure. The Netherlands had commented on a number of

documents that were out of date and proposed that the remainder should be noted. The Commission agreed that those noted would be published and asked the Netherlands to work with the ExNB group on the rest.

## **5. New Legal Framework and alignment to ATEX**

The Commission is working towards an omnibus measure to align ATEX (and nine other Directives) with the New Legal Framework. It is aiming to carry out an Impact Assessment by September with a view to producing a draft proposal in December 2010. Public consultation on the impact assessment will start in early 2010.

## **6. Next meeting**

The Commission will aim for a date in late June or early July, following the next ATEX ADCO (23-24 June 2010).

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**December 2009**