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ATEX Stakeholders

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DTI Report ATEX Stakeholder Report – January 2006

Welcome to the first in a new series of reports that I intend to cover issues and information relevant to those who use the ATEX Directive. These reports are aimed at all stakeholders in the ATEX community ie manufacturers, Notified Bodies, consumers, those in decision-making positions etc. However, this list is not exhaustive; during the first half of 2006, I will be undertaking a number of outreach activities whereby I hope to build up a list of stakeholders who wish to receive these reports. If you are aware of an ATEX colleague who may wish to receive future copies please contact us and we will add them to our list of members of the 'ATEX Community'. In the interim, please feel free to pass on a copy of this report. The content and frequency of each report may vary according to what business has been conducted but I hope that you find them useful and welcome any feedback.

I believe that, following a number of changes at DTI, a brief introduction of the relevant main Government contacts is in order. I am DTI's main policy lead on both the ATEX and Pressure Equipment Directives. I will work alongside my colleague, Joanne Carter. We work to Mike Dodds who now has over-sight of our work, along with the Machinery and Lift Directives. You may wish to note that we will be working alongside a team at the Health and Safety Executive, led by John Worth. The other members of the HSE team are Mansel Williams and Ken Morton. We all look forward to building a successful working relationship with you all.

This report is generated after a 4-day stint in Brussels that saw both the ATEX Standing Committee and ADCO meetings taking place.

The ATEX Standing Committee had a rather full agenda, with a wide range of items to discuss. Two of these items, the process of clarifying the status of ExNBG sheets and discussion of paragraph 10.3 of the 2nd Edition

Continuation 2

of the ATEX Guidelines are of particular note to Notified Bodies and are expanded upon in Annex I & II of this particular report.

A large proportion of the morning was spent dealing with the ExNBG sheets, an intensive task that has now been completed. These sheets will now be published on the Commission's europa website in the near future and I would encourage you to make them your first port of call should you have a 'technical' query.

Next on the agenda were interpretative matters relating to a wide range of issues. Those that have been resolved include new guidance on filter units and gas turbine assemblies. These specific items of guidance will be published on the europa website shortly. Items that have been put forward for further discussion include 'water trough barriers', forklift trucks modified for use in potentially explosive atmospheres and the assessment of safety devices. If you have any views on the latter, please contact us.

It appears to me that much of the future work of the Standing Committee will now centre upon matters of how the Directive is interpreted. Many of these issues would appear to include large technical elements and I hope that you will take advantage of the opportunities to influence future decisions that may impact upon you.

The next ATEX Standing Committee is due to take place on 29th June 2006 and I look forward to any comments that you may have regarding issues on the agenda. You may wish to note the ATEX ADCO took place on 30th November 2005 and then next ADCO is due to take place in June 2006.

Should you have any queries arising out of matters in this report, please don't hesitate to contact me.

Regards

Rick Holyomes

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ATEX Standing Committee (1st December 2005)

ExNBG Sheets – the status of each sheet has now been decided and those ‘noted’ by the Standing Committee will be published on the europa website. (See Annex I for full details.)

Directive 94/9/EC, interpretation questions:

- **‘Simple electrical apparatus’ and ‘Filter Units’** – additional guidance agreed to supplement the 2nd Edition will be published on europa;
- **‘Gas Turbines’ Guidance** – approved, following some minor drafting amendments and this guidance will be published on ‘europa’;
- **Comment to 2nd Edition of ATEX Guidelines (Para 10.3)** - CENELEC offered to accept role of determining when ‘state of the art’ had sufficiently changed to warrant action. However, it was also decided that that responsibility now lay with Notified Bodies to determine the meaning and scope of “technical community of stakeholders”; and
- **‘Water trough barriers’*, ‘Forklift Trucks’, ‘Safety Devices’ and ‘Bucket elevators’*** – all these items were discussed and were warranted important enough for the papers to be re-drafted taking into account input from this meeting and be discussed at a later date.

I would like to thank HSE for extra reporting on items indicated *

Rick Holyomes

14 December 2005

Noting of ExNB Sheets (Outcomes)

Following the last UK ATEX Notified Bodies' meeting, I was requested to inform members of the outcomes of two particular ExNB issues.

An update of the status of the sheet **ExNB04-160-CS** was specifically requested – this sheet was noted and accepted by the Standing Committee.

A second issue concerned the matter of decisions taken by other Member States' Notified Bodies with regard to certifying a 'condition monitoring unit'. No further discussion has taken place on this matter and both HSE and DTI consider the matter to be closed. It would also appear that the suggestion for a special technical group to consider such issues in future has made no further progress.

Finally, please find below the outcomes of each sheet (please note that these were ATEX Standing Committee papers ATEX/05/1/7 & ATEX/05/2/3a). I have used the same groupings used by the Commission to facilitate reporting this rather lengthy agenda item – a full listing of each Section can be found on the relevant Standing Committee papers.

Section 1: Sheets already noted

All sheets were accepted with the exception of 99-074CS that was withdrawn as obsolete.

Section 2: Sheets noted in the past but dealing with subjects outside ExNB remit

All sheets were withdrawn, with the exceptions of: 99-081CS (Faulty equipment); 99-100CS (use of bodies outside of EEA); and 02-112CS (3.10 of Guidelines and safety devices) – all are to become Standing Committee consideration papers.

Section 3: Sheets not yet noted, but dealing with subjects outside ExNB remit

All sheets withdrawn except: 98-005DS (Part 2 retained) and 98-068CS (to become a Standing Committee consideration paper).

Section 4 Sheets to be noted by the Standing Committee.

All sheets accepted

Section 5: Sheets that need further discussion

ExNB No.	Outcome
98-002CS	ExNB to modify sheet
98-006DS	Noted and decide to allow status quo to remain
98_009CS	Withdrawn as obsolete

Continuation 5

99-071CS	Accepted
99-082CS	Accepted
00-020CS	To become a Standing Committee consideration paper
00-026CS	Accepted
00-028CS	Withdrawn
00-035CS	ExNB to revise and re-submit sheet for consideration
01-100CS	Withdrawn
01-103CS	COM & ExNB to amend and re-submit
02-114CS	Noted

Notified bodies may wish to have particular regard to the item on the agenda concerning the ATEX Guidelines and the issue of paragraph 10.3. CENELEC has now offered to accept the role of determining when standards had sufficiently changed under 'state of the art'.

I would suggest that a pragmatic second stage - that Notified Bodies may wish to consider and endorse - would be for this information to be sent to the ExNBG, who could then cascade such information to each Member States' Notified Bodies via their representatives to those meetings. The final stage that I would like to suggest has two alternatives: Notified Bodies would then be able to review any changes, identify any affected products and contact the relevant manufacturers; or to notify their customers every time a change in standards has occurred and allow their customers to determine if such a change has affected their certified products.

Finally, the Standing Committee indicated that its view was that it was the responsibility of Notified Bodies to determine the meaning of "technical community of stakeholders". I would welcome your views on this decision.