

dti

PRODUCT STANDARDS

Gas Appliances

GUIDANCE NOTES ON THE
UK GAS APPLIANCES (SAFETY)
REGULATIONS
(S.I. 1995/1629)

MARCH 2007

URN 07/617

CONTENTS

	Page
Gas Appliances Directive - Background	3
Free Movement of Goods	3
Gas Appliances - The Law in Brief	4
The Gas Appliances (Safety) Regulations 1995 - Guidance	5
Useful Information and Contacts	18
Annex A: Essential Requirements	25
Annex B: Certification Routes	29
Annex C: EC Type-Examination	30
Annex D: EC Declaration of Conformity to Type	31
Annex E: EC Declaration of Conformity to Type (Guarantee of Production Quality)	32
Annex F: EC Declaration of Conformity (Guarantee of Product Quality)	34
Annex G: EC Verification	36
Annex H: EC Unit Verification	38
Annex I: Design Documentation	39
Annex J: Countries Where Compliance With The Regulations Provides Free Movement of Goods	40
Annex K: UK Notified Bodies	43
Annex L: Other European and National Legislation That May Affect Gas Appliances	45

Whilst every effort has been made to ensure that the information in this booklet is accurate, the Department of Trade and Industry cannot accept liability for any errors, omissions or misleading statements in that information, whether caused by negligence or otherwise.

This document provides information about the Regulations. It is for guidance only and cannot act as a substitute for the Regulations themselves. The guide has no legal force and is not an authoritative interpretation of the Regulations, which is a matter for the Courts. You should refer to the Regulations themselves for a full statement of the legal requirements and, if appropriate, seek your own independent legal advice. It is intended to help suppliers of gas appliances and fittings and enforcement authorities to understand, in general terms, the main features of the Regulations.

The Regulations (SI 1995/1629) can be viewed at the following HMSO web address. Please note that Crown Copyright applies, so copies may only be made in accordance with the restrictions laid down by HMSO:

http://www.opsi.gov.uk/si/si1995/Uksi_19951629_en_1.htm

Alternatively you may purchase copies of the Regulations from The Stationery Office (TSO).

To place an order or to make an enquiry please contact them on:

Telephone	0870 600 5522
Fax	0870 600 5533
E-Mail	mailto:customer.services@tso.co.uk

GAS APPLIANCES DIRECTIVE - BACKGROUND

On 29 June 1990 the Council of Ministers adopted European Council Directive 90/396/EEC ('the Gas Appliances Directive') on the approximation of the laws of Member States relating to appliances burning gaseous fuels. This Directive was implemented by the Gas Appliances (Safety) Regulations 1992 ('the 1992 Regulations') (SI 1992/711).

Directive 93/68/EEC ('the **CE marking** Directive') was adopted on 22 July 1993, its purpose being to introduce a harmonised set of rules relating to the affixing and use of **CE marking**. This brought about amendments to the Gas Appliances Directive which were implemented into consolidated national law through the **GAS APPLIANCES (SAFETY) REGULATIONS 1995** ('the Regulations') (SI 1995/1629), made under section 11(1) of the Consumer Protection Act 1987 ('the Act') and section 2(2) of the European Communities Act 1972.

Gas appliances and fittings which comply with the Regulations will be presumed to comply with the Gas Appliances Directive, as amended, and be entitled to free circulation throughout the European Union, including certain other countries as listed at **Annex J**. References in this Guidance to member States of the European Union also include those countries that are contracting parties to the European Economic Area Agreement and similarly references to the European Union and/or the Community are to be construed as references to the European Economic Area. A list of the contracting parties, plus information concerning those countries currently involved in other agreements, can be found in **Annex J**.

FREE MOVEMENT OF GOODS

Achieving the free movement of goods - one of the four basic freedoms - lies at the heart of the drive to create the single European market. In May 1985, European Community Ministers agreed on a 'New Approach to Technical Harmonisation and Standards' to fulfil this objective.

'New Approach' Directives (that is Community laws) set out '**Essential Requirements**' (for safety, for example), written in general terms, which must be met before products may be supplied in the United Kingdom or anywhere else in the Community. Harmonised European standards then fill in the detail. Conformity with such standards is the main way for business to comply with the 'Essential Requirements'. The Directives also say how manufacturers are to show that products meet the 'Essential Requirements'. Products meeting these requirements carry **CE marking**, which means they can be sold anywhere in the European Union.

The Gas Appliances Directive is one such Directive. It has been implemented into (consolidated) United Kingdom law by the Gas Appliances (Safety) Regulations 1995 which came into force, subject to certain transitional provisions, on 1 January 1996. The rest of this booklet describes those Regulations.

GAS APPLIANCES - THE LAW IN BRIEF

With effect from 1 January 1996 most new gas appliances (as defined in the Regulations) which are supplied in the United Kingdom, including imports, must:

- satisfy safety requirements, for example on design, construction, and material used;
- undergo type-examination, and some form of supervision during production, by a Notified Body;
- carry CE marking and specified information, mainly about the appliance;

and

- be accompanied by instructions and warnings in the languages of the country of destination.

Some of these requirements will also apply to fittings (which are also defined in the Regulations).

Failure to comply with these requirements is a criminal offence

The Gas Appliances Directive (as amended) has been implemented in all member States and, accordingly, appliances and fittings that comply with the requirements of the Regulations may be sold in the European Union.

This booklet seeks to explain the requirements of the Regulations in general terms and does not attempt to address detailed issues. You should refer to the Regulations themselves for a full statement of the legal requirements and, if appropriate, seek your own independent legal advice.

THE GAS APPLIANCES (SAFETY) REGULATIONS 1995 (S.I. 1995/1629) - GUIDANCE

The 1995 Regulations consolidate, with comparatively minor amendments introduced by the **CE marking** Directive (93/68/EEC), the earlier Gas Appliances (Safety) Regulations 1992 ('the 1992 Regulations').

Entry into force of substantive provisions: 1 January 1996.

Primary legislation: the Consumer Protection Act 1987 and the European Communities Act 1972.

Supply of Gas Appliances and Fittings: All new gas appliances and fittings that are intended for supply in the UK from **1 January 1996** must now fully comply with the requirements of the Regulations and as such must carry, in the case of appliances, the **CE marking** or, in relation to a fitting, be accompanied by a **Fitting Certificate**.

EFFECT ON OTHER REGULATIONS

Regulations Revoked: The **1992 Regulations** have been revoked with effect from 1 January 1996, except to the extent that they shall continue to apply to gas appliances and fittings which were placed on the Community market before 1 January 1996 (or under the transitional arrangements in the Regulations) **and** which do not comply with the minor changes introduced by the 1995 Regulations.

Regulations Amended: The following Regulations ceased to apply to **new** gas appliances with effect from **1 January 1996**, but these Regulations continue to apply to appliances previously placed on the Community market e.g. most second hand appliances :

- The Gas Cooking Appliances (Safety) Regulations 1989
- The Heating Appliances (Fireguards) (Safety) Regulations 1991

PRODUCTS AFFECTED BY THE 1995 REGULATIONS

The Regulations apply to all new gas appliances and fittings, subject to any exemptions shown below.

'Gas' means any fuel which is in a gaseous state at 15° C under a pressure of 1 bar

and;

'Appliance' means any gas burning appliance used for:

- cooking;
- heating (*heating is understood to refer to space heating for thermal comfort and not the application of heat for other purposes*);
- hot water production (*having, where applicable, a normal water temperature not exceeding 105°C*);
- washing;
- refrigeration;
- lighting.

The Regulations also apply to:

- forced draft burners and heating bodies to be equipped with such burners.
- second hand gas appliances (including gas appliances which have been reconditioned) which have not been previously supplied or put into service by another person in the European Union.
- reconditioned gas appliances (*in this context reconditioned does not include normal product repairs or refurbishment to the original standard*) which have been previously supplied or put into service in the European Union **and** which have been placed on the market effectively as a new product.

The European Commission have made available guidance sheets applicable to the Gas Appliances Directive, including a non-exhaustive list of appliances and fittings which are regarded as falling within the Directive. They are on the Commission's website at the following address:

http://ec.europa.eu/enterprise/gas_appliances/guidances.htm

You are therefore advised to check this web site on a regular basis to ensure that you are aware of the current guidance on this matter, although such guidance will have no force in law.

A '**fitting**' is any device which is:

- a safety device;
 - a controlling or regulating device (*but not including hoses or cylinder regulators*);
- or

- ❑ a sub-assembly

and

which is separately marketed for trade use **and** which is designed to be incorporated into an appliance.

EXEMPTIONS

The Regulations **do not** apply to:

- ❑ appliances specifically designed for use in an industrial process carried out on industrial premises.

As mentioned previously, the guidance sheets applicable to the Gas Appliances Directive include guidance on the terms 'industrial processes' and 'industrial premises'. They are available from the Commission's website:

http://ec.europa.eu/enterprise/gas_appliances/guidances.htm

You are therefore advised to check this web site on a regular basis to ensure that you are aware of the current guidance on this matter but, again, you are reminded that this guidance will have no force in law.

- ❑ second hand gas appliances and fittings which have been previously supplied or put into service by a person in the European Union.
- ❑ gas appliances and fittings supplied for export to a country that is **not** a member of the European Union/EEA. However, please refer to **Annex J** for information on countries involved in agreements with the EU.

The Regulations also do not apply to:

- any appliance which bears the **CE marking** or any fitting in respect of which a **Fitting Certificate** has not been issued, **and** which in either case was supplied for the first time in the Community before **1 January 1992**.
- any fitting, whenever manufactured, supplied for incorporation into an appliance which does not bear the **CE marking** and which was first supplied in the Community before 1 January 1996.

SUPPLIERS AFFECTED

The Regulations affect all persons who “supply” (as defined) gas appliances and fittings during the course of a business of theirs, whether or not the business is one of supplying gas appliances or fittings. They include:

- manufacturers;
- authorised representatives of a manufacturer;
- importers;
- wholesalers, distributors etc;
- retailers (*including mail order traders and auctioneers who supply new appliances*).

All suppliers have a statutory duty to ensure that they supply only gas appliances and fittings which are “safe” when “normally used” (**see page 10**) and satisfy certain other requirements of the Regulations. However, the Regulations require that certain suppliers have to fulfil particular obligations.

Manufacturers: The manufacturer is not defined for the purposes of the Regulations but is the person, whether established in the European Community or not, who is primarily responsible for designing and manufacturing a gas appliance or fitting so that it complies with all the requirements of the Regulations.

Badged Appliances: Where a gas appliance bears the name or trademark of a person other than that of the original equipment manufacturer it will be necessary to establish who is the manufacturer to determine who will be responsible for carrying out the tasks listed below. This may depend upon the particular circumstances of each case but the following scenarios may help determine who should be considered to be the “manufacturer” within the meaning of the Regulations.

- Where the original equipment manufacturer agrees to supply another person with an appliance that is to be marketed or badged under that other person’s name or trademark.

With this scenario the original equipment manufacturer maintains control of the design, construction and production of the appliance and as such he will, for the purposes of the Regulations, be considered to be the “manufacturer” and not the person whose badge or trademark appears on the appliance although that person will have responsibility for ensuring that the appliance is “safe” if he subsequently “supplies” the appliance himself.

- Where a person whose name, badge or trademark appears on an appliance, designs that appliance, but sub-contracts out the task of manufacturing it to a third party.

With this scenario all responsibility for the product will probably lie with the person who designed and sub-contracted the work out. It will be this person's badge or trademark which appears on the product and, on the basis that he has designed/sub-contracted the manufacture of the appliance, he will probably be considered to be the "manufacturer" for the purposes of the Regulations although this may depend upon the precise circumstances.

The manufacturer, wherever he is established, is the first point in the supply chain and is primarily responsible for:

- ensuring that the appliance or fitting is "safe" (see page 10) and satisfies the **Essential Requirements** (see page 10 and Annex A) which apply to it;
- applying and satisfying the relevant conformity assessment procedures (see Annex B - Annex I);
- affixing the **CE marking** and other prescribed information to the appliance or, in the case of a fitting, issuing a **Fitting Certificate** (see page 15).

Authorised Representative: An authorised representative is any person established in the European Union who has been appointed by the manufacturer to act on his behalf in carrying out certain tasks required by the Regulations. His position needs to be distinguished from that of an importer as the Regulations permit an authorised representative to undertake more tasks than may be undertaken by an importer. Both the manufacturer and the authorised representative will want to ensure that the appointment is clearly documented and can be substantiated if required.

Subject to the conditions of appointment by the manufacturer the authorised representative may be responsible for:

- ensuring that the appliance or fitting satisfies the relevant **Essential Requirements**;
- ensuring that any product that they import into the Union satisfies the appropriate conformity assessment procedures;
- affixing the **CE marking** and other prescribed information to the appliance or issuing a **Fitting Certificate** (see page 15).

All other suppliers: Any other person who supplies gas appliances or fittings (i.e. importers, wholesalers, distributors, retailers etc.) in the course of a business has a statutory duty to ensure that any appliance or fitting that they supply is "safe" (see below) and bears **CE marking**, in the case of an appliance, or, in the case of a fitting, a **Fitting Certificate** has been issued (see page 15).

SAFETY AND ESSENTIAL REQUIREMENTS

Safety Requirements: All suppliers must ensure that any appliance or fitting which they supply is “safe”, when “normally used”.

‘**Safe**’ has the same meaning as in section 19(1) of the Consumer Protection Act 1987, in that there should be no risk, apart from one reduced to a minimum, that the gas appliance or fitting will in any way cause death or personal injury to any person. However, to comply with the terms of the Gas Appliances Directive this meaning has been extended to include the risk of death or injury to domestic animals and damage to property.

‘**Normally used**’ means that the appliance has been:

- correctly installed and regularly serviced in accordance with the manufacturer’s instructions;

and

- used within the normal variations of gas quality and pressure;

and

- used in accordance with its intended purpose or in a way which can be reasonably foreseen.

Essential Requirements: All gas appliances and fittings must be designed and constructed to conform with the **Essential Requirements** of the Regulations (see **Annex A**). The **Essential Requirements** establish a common level of protection by defining general design, construction and performance characteristics.

Methods of satisfying the Essential Requirements: Manufacturers can choose between directly applying the **Essential Requirements** (see **Annex A**) or applying one of the following specified standards that give a common technical interpretation of the **Essential Requirements**.

National Standard which implements a harmonised standard: Gas appliances and fittings which are designed and constructed to satisfy a relevant European harmonised standard (commonly referred to as a ‘harmonised standard’) will be presumed to satisfy the appropriate **Essential Requirements** of the Regulations. The reference numbers of harmonised standards, which provide a presumption of conformity with the directive’s **Essential Requirements**, are periodically published in the Official Journal (O.J.) of the European Communities. The latest list (for information only) is also available from:

<http://ec.europa.eu/enterprise/newapproach/standardization/harmstds/reflist/appligas.html>

Harmonised standards are technical specifications adopted by the European Committee for Standardisation (CEN) on the basis of the General Orientations signed between the European Standards Organisation and the Commission on 13 November 1984, following a Mandate by the Commission pursuant to Directive 98/34/EEC.

Although harmonised standards have equal validity in all member States, manufacturers who wish to supply their products to the countries in **Annex J** as a whole, or in selected countries, need to be aware of the variations in gas composition and supply pressures used in different countries. There may also be national installation requirements that may prevent certain appliances from being installed. Manufacturers who wish to market their products in any other country should seek the advice of the **Notified Body** that they have appointed to carry out the necessary tests and examinations.

The British Standards Institution (BSI) is the national standards body for the United Kingdom and it is through their Technical Committees that the United Kingdom contributes to the development of standards within CEN. As the national standards body, BSI is responsible for publishing mandated harmonised standards and any amendments as identically worded British Standards. Copies of these can therefore be purchased from BSI (**for contact details see page 18**).

National Standards: Where no harmonised standard exists member States may, under the procedures of Article 5(2) of the Gas Appliances Directive, communicate to the European Commission the text of their national standards which they regard as complying with the **Essential Requirements (see Annex A)**. The Commission will consult a standing committee whose duty will be to decide whether such a standard satisfies the **Essential Requirements**. The European Commission will inform all member States of those national standards that are considered to meet that criterion. In the absence of a harmonised standard a gas appliance or fitting that complies with the provisions of a national standard which has been subjected to these procedures will be presumed to satisfy the **Essential Requirements** of the Regulations.

Suppliers should note that the UK has not yet notified any national standards.

Gas appliances/fittings for which a standard does not exist: Where neither a harmonised standard nor a notified national standard exists, gas appliances and fittings must be designed and constructed to satisfy the relevant **Essential Requirements** directly (**see Annex A**).

CERTIFICATION AND ATTESTATION

In order to demonstrate that the **Essential Requirements** are being satisfied, the Regulations require the involvement of an independent third-party **Notified Body** in both type-examination of new appliances or fittings and subsequently in production monitoring.

A choice of options is available and these are outlined in diagrammatic form in **Annex B** with fuller information of each procedure given separately in **Annexes C to I**.

In brief, the Regulations distinguish between series manufactured appliances or fittings and those that are produced as single units or in small numbers:

Series manufactured appliances or fittings

EC Type-Examination: An **EC Type-Examination Certificate** (see Annex C) issued by a **Notified Body** is required for an appliance or fitting, which must be representative of the production envisaged but may cover a range of similar products or variants with similar risk characteristics. An application for type-examination may only be made to one **Notified Body**.

Production Monitoring: A method of production monitoring, involving a **Notified Body**, must be adopted to ensure conformity of the production with the type for which an **EC Type-Examination Certificate** has been issued and with the **Essential Requirements**. The manufacturer may choose from either:

- a system whereby sufficient random examinations and checks on the appliances or fittings are conducted by a **Notified Body** of the manufacturer's choice. Subject to satisfactory **EC Surveillance**, the manufacturer may issue an **EC Declaration of Conformity to Type** (see Annex D) and affix the **CE marking** to the appliance or, for fittings, issue a **Fitting Certificate**;

or

- a system whereby the manufacturer's system of quality assurance either for the production system or for the product is approved by a **Notified Body** of the manufacturer's choice. Subject to satisfactory **EC Surveillance** by the **Notified Body**, the manufacturer may issue an **EC Declaration of Conformity** (guarantee of production or product quality) (see Annexes E and F) and affix the **CE marking** to the appliance or, for fittings, issue a **Fitting Certificate**;

or

- a system whereby either each individual appliance or fitting or a statistical sample of a batch of appliances or fittings is subject to **EC Verification** (see Annex G) by a **Notified Body**. Subject to satisfactory verification by the **Notified Body** the manufacturer will issue an **EC Declaration of Conformity (EC Verification)** (see Annex G) and affix the **CE marking** to the appliance or, for fittings, issue a **Fitting Certificate**.

Individual appliances

For the production of individual appliances or of small numbers, (intended for non-series production) **EC Type-Examination** is not required but each appliance would be subject to **EC Unit Verification** (see Annex H). The manufacturer must appoint a **Notified Body** to carry out detailed examinations and checks on each appliance, if necessary, in situ. Subject to successful verification the manufacturer will issue an **EC Declaration of Conformity** and affix the **CE marking** to the appliance.

NOTIFIED BODIES

Notified Bodies are independent organisations that have been designated by the member States as being competent to undertake type testing, approval of quality systems, production monitoring and surveillance under the provisions of the Gas Appliances Directive. In the United Kingdom such bodies are appointed by the Secretary of State for Trade and Industry, and notified to the European Commission.

The European Commission publish, for information purposes only, a list of Notified Bodies and their identification numbers in the Official Journal (O.J.) of the European Communities. This list is also available in pdf format from:

<http://ec.europa.eu/enterprise/newapproach/nando>

A list of UK Notified Bodies can be found at **Annex K**.

Notified Bodies have varied skills and qualifications and the Regulations allow manufacturers to choose different Notified Bodies to undertake the different aspects of product type-examination and production monitoring, depending on their specialist capabilities. This is to enable specialists in product certification and/or quality assurance to contribute in their respective fields.

CE MARKING AND OTHER MARKING REQUIREMENTS

CE marking is a visible declaration by the manufacturer or his authorised representative which confirms that, in his opinion, the gas appliance to which it is affixed satisfies all the requirements of the Regulations including the relevant conformity assessment procedures. Appliances bearing the mark will be taken as meeting the requirements and thereby entitled to free circulation throughout the countries listed in **Annex J** unless there are reasonable grounds for suspecting otherwise.

The **CE marking** consists of the initials **CE** as shown below, followed by the identification number of the **Notified Body** involved in the production control phase and the last two digits of the year in which the **CE marking** was affixed.

By affixing the **CE marking** to the appliance, the manufacturer is also making a statement that the appliance meets the requirements of all relevant Directives. It is for the manufacturer to decide which other Directive(s) are relevant to his appliance (**see Annex L for information about other legislation which may affect gas appliances**). However, where a particular Directive provides a transitional period which allows a manufacturer the choice of which provisions to apply the manufacturer must indicate which Directive(s) have been applied, this information must be given in the documents, notices or instructions that accompany the appliance.

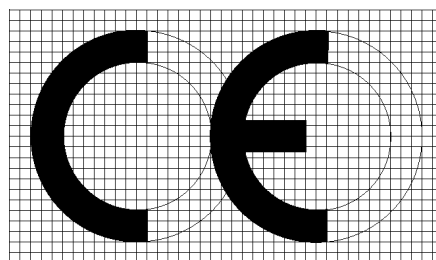
The presence of **CE marking** does not mean that an enforcement authority cannot challenge an appliance if it has reasonable grounds for suspecting an infringement of the Regulations.

Suppliers should note that **CE marking** is not a European safety mark or quality symbol intended for customers and should not be presented as such. Its purpose is to indicate to the enforcement authorities that the appliance to which it relates is intended for supply in the European Union and signifies a declaration, which is refutable, by the manufacturer or his authorised representative that the relevant product satisfies the requirements of the Gas Appliances Directive and is entitled to access to certain markets. (Please refer to **Annex J** for information on the countries involved.)

It should also be noted that **CE marking** is specific only to certain Directives. It can only be applied to products covered by such Directives and under the conditions contained in them. While it is not an offence under the Regulations to affix **CE marking** to items which are not gas appliances or covered by another Directive requiring **CE marking**, such an action could constitute an offence under section 1 of the Trade Descriptions Act 1968 and may result in prosecution and a subsequent fine. This can apply to any person in the supply chain.

Example of CE Mark: The mark itself must either be affixed to each appliance or to a data plate that is securely affixed to the appliance. The data plate must be designed so that it cannot be re-used. The CE mark must be visible, easily legible and in an indelible form.

The marking is as illustrated in the diagram below. It may not be smaller than 5mm in its vertical height and the proportions below must be maintained whatever its size. The grid does not form part of the marking and is for information only.



This mark looks the same as some previous marks, but there are some subtle changes, therefore the above diagram should be studied closely. It should be noted, for example that the letters C and the E are not formed by perfect semi-circles, i.e. the top and the bottom arms extend one square beyond the semi-circles, and the middle arm of the E stops one square short.

Other information that must appear on the appliance: Other information that must appear on the appliance or on a data plate securely affixed to the appliance includes:

- the name (or, if it enables him to be identified, the trade mark or other identification symbol) of the manufacturer of the appliance, or the trade name of the appliance;

- the type of electrical supply to be used in connection with the appliance;
- the appliance category (if unsure of the technical category, the advice of a **Notified Body** should be sought);

and

- the identification number of the **Notified Body** involved in the production phase.

This information must be visible, easily legible and in an indelible form. If a data plate is used it must be designed so that it cannot be re-used.

Marks other than CE marking: Other marks for example, a commercial approval mark from a certification body, may appear on the appliance but they cannot be used to declare compliance with the Regulations. Only **CE marking** can be used for this purpose. Any other marks that are present must **not** reduce the visibility or legibility of **CE marking** or deceive third parties as to the meaning and form of the **CE marking**.

FITTING CERTIFICATE

A **Fitting Certificate** is the fitting's equivalent of the **CE marking** which is affixed to appliances. It is a manufacturer's declaration that the fitting(s) which it covers conform(s) with the provisions of the Regulations that apply to it. It must describe:

- The characteristics of the fitting;

and

- the manner in which the fitting is to be incorporated into an appliance, or assembled with other fittings, in order to comply with the **Essential Requirements**.

To assist UK manufacturers in drawing up a **Fitting Certificate** it is recommended that as a minimum the **Fitting Certificate** should include the following information:-

- the name of the issuing company;
- a unique identification of the fitting;
- a declaration that the fitting complies with the provisions of the Regulations which apply to it;

and

- a statement that when used as a replacement spare part, it must be installed in accordance with the servicing instructions issued by the appliance manufacturer.

One certificate may relate to a number of identical fittings and the manufacturer or his authorised representative must supply a copy of the certificate with the fitting.

ENFORCEMENT

The Regulations are enforced by the local authority **Trading Standards** departments (in Northern Ireland contact the relevant department of the local District Council) with regard to products supplied and intended for use by consumers. The **Health and Safety Executive (HSE)** enforce in respect of gas appliances or fittings that are:

designed for use or operation by persons at work:

or

designed for use otherwise than at work, in any non-domestic premises made available for persons at a place where they use the equipment.

Any reference to an enforcement authority in this guide is a reference to both **Trading Standards** officers and Inspectors of the **Health and Safety Executive**.

All gas appliances to which **CE marking** has been affixed or, in the case of fittings, a **Fitting Certificate** has been issued, will be presumed to comply with all the requirements of the Regulations. This does not mean that the appliance or fitting cannot be challenged by the enforcement authorities - indeed, the Directive specifically requires that member States provide for enforcement within their own jurisdiction and take steps to ensure that any appliance or fitting which does not meet its requirements is withdrawn from the market.

Therefore, where there are reasonable grounds for suspecting that a gas appliance or fitting may not meet the requirements of the Regulations an enforcement authority should take appropriate enforcement action to remove it from the market.

Any enforcement action taken due to an infringement of the Regulations will be based on the facts of the case in the UK and need not be jeopardised by the origin of the appliance or fitting. For example, the lack of response from some party either in the UK or another country will not affect the ability of UK enforcement authorities to take appropriate measures to safeguard the public when an unsafe product is found in the UK.

Compliance Notice: Where for reasons **other than safety**, an enforcement authority has reasonable grounds for suspecting that **CE marking** has been wrongly affixed (i.e. the appliance satisfies the safety and **Essential Requirements** but does not, for whatever reason, comply fully with the other requirements of the Regulations) the authority may issue a compliance notice on the manufacturer or his authorised representative, if they are established in the UK, requiring him to bring the appliance or fitting into conformity. Compliance notices are intended to give the named person an opportunity to take action to correct the non-compliance. Further enforcement action may only be taken in respect of the alleged non-compliance if such a notice has been issued and not acted upon within the time specified in the notice.

Where non-compliance is safety related, enforcement authorities can take immediate enforcement action to safeguard consumers.

Penalties: It is a criminal offence to supply gas appliances and fittings which do not comply with the requirements of the Regulations. Any person committing an offence is liable, under summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (presently £5,000) or both. When the contravention applies to injury or impairment to the health or safety of any domestic animal, or damage to property, the maximum term of imprisonment is limited to 3 months.

Safeguard Procedure: Article 7 of the Gas Appliances Directive (usually referred to as the 'safeguard procedure') requires member States to take all appropriate measures to remove from the market, or to prohibit or restrict from being placed on the market, gas appliances bearing **CE marking** or fittings covered by a **Fitting Certificate** but which do not comply with the safety requirements. They must immediately notify the European Commission of their actions and give reasons. The Commission will consult the parties concerned as soon as possible and, where it finds the action justified, immediately inform all countries listed in **Annex J**.

To this end the Regulations place a duty on UK enforcement authorities to inform the Secretary of State (DTI / Sustainable Development & Regulations Directorate), without delay, of any action taken by local authority **Trading Standards** services in connection with sections 14 to 17 of the Act or where an improvement notice or prohibition notice has been served by an inspector of the **Health and Safety Executive**.

The DTI is responsible for notifying the European Commission of enforcement action taken in the UK and receives from the Commission details of enforcement action taken in other member States' markets. Both outgoing and incoming notifications are likely to feature in court proceedings and are therefore treated in confidence and generally made available for enforcement purposes only.

USEFUL INFORMATION AND CONTACTS

Availability of texts of national standards which implement harmonised standards may be obtained from **BSI**:

BSI Sales

Maylands Avenue
Hemel Hempstead
Herts
HP2 4SQ

Telephone 01442 278 607

Fax 01442 278 630

E-Mail <mailto:cservices@bsi-global.com>

Website <http://www.bsonline.bsi-global.com>

Availability of text of notified national standards: **BSI** offer advice concerning technical barriers to trade in areas including European and foreign regulations, standards, certification, and approval bodies. Contact their:

Technical Information Group

British Standards Institution
389 Chiswick High Road
London
W4 4AL
UK

Telephone 020 8996 7111

Fax 020 8996 7048

E-Mail <mailto:the@bsi-global.com>

Specific enquiries about national standards for gas appliances and fittings: These should also be made to **BSI** for which they have a dedicated phone line. Please call:

Telephone 020 8996 7024

Availability of text of the Regulations: The Gas Appliances (Safety) Regulations 1995 (SI 1995 No. 1629) can be obtained from the following HMSO address. Please note that Crown Copyright applies, so copies may only be made in accordance with the restrictions laid down by HMSO:

http://www.opsi.gov.uk/si/si1995/Uksi_19951629_en_1.htm

Alternatively you may purchase copies of the Regulations from **The Stationery Office (TSO)**.

To place an order or to make an enquiry please contact them on:

Telephone 0870 600 5522

Fax 0870 600 5533

E-Mail <mailto:customer.services@tso.co.uk>

Availability of the text of the Gas Appliances Directive: The complete text of the Gas Appliances Directive (90/396/EEC) has been published in the *Official Journal (O.J.) of the European Communities (O.J. L 196, 26/07/1990 P. 0015 – 0029)* and is also available from the European Commission's website:

[http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!
CELEXnumdoc&lg=EN&numdoc=31990L0396&model=guichett](http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31990L0396&model=guichett)

The complete text of the CE Marking Directive (93/68/EEC) has been published in the *Official Journal (O.J.) of the European Communities (O.J. L 220, 30/08/1993 P. 0001 - 0022)* and is also available from the European Commission's website:

[http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!
CELEXnumdoc&lg=EN&numdoc=31993L0068&model=guichett](http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31993L0068&model=guichett)

The complete text of the consolidated Gas Appliances Directive is available from the European Commission's website:

http://europa.eu.int/eur-lex/en/consleg/pdf/1990/en_1990L0396_do_001.pdf

Copies of these texts are also available from **Euro Info Centres (EICs)** throughout the UK, who may provide them for a modest charge, and **European Documentation Centres (EDCs)**, which are *reference only* collections of material published and deposited by the European Union in academic institutions throughout the world. There are over 40 centres in UK university libraries.

Copies of the Official Journal (O.J.) may also be purchased from **The Stationery Office (TSO)**. To place an order or to make an enquiry please contact them on:

Telephone 0870 600 5522

Fax 0870 600 5533

E-Mail <mailto:customer.services@tso.co.uk>

Please note that the DTI does not supply copies of Directives, Regulations or Standards.

FURTHER INFORMATION

Further copies of this booklet can be ordered from the **DTI Publications Orderline** electronically through the following address:

<http://www.dti.gov.uk/publications/>

Alternatively contact the **Orderline** direct and **quote the URN reference** given at the beginning of this booklet:

DTI Publications Orderline
ADMAIL 528
London
SW1W 8YT

Telephone 0870 1502 500

Fax 0870 1502 333

This booklet is also available to download from the Department's website:

<http://www.dti.gov.uk/innovation/strd>

Trading Standards: Suppliers of domestic equipment wishing to ensure that their products meet the requirements of the Regulations should make enquiries to the home authority **Trading Standards** service which is listed in the telephone directory either under 'Local Authority' or '**Trading Standards**'. (In Northern Ireland enquiries should be made to the relevant department of the local District Council). Alternatively go to the following website and simply type in your postcode to find your local **Trading Standards** service:

<http://www.tradingstandards.gov.uk/>

Local Authority Co-ordinators of Regulatory Services (LACORS): **LACORS** promotes the 'Home Authority Principle' which is designed to encourage efficiency, promote uniformity, reduce duplication and assist enterprises to comply with the law. The Principle seeks to ensure that:

- Local authorities place special emphasis on the surveillance of goods and services originating in their areas:
- Enterprises are able to depend on a specific home authority for preventative guidance and advice;
- Enforcing authorities will liaise with the relevant home authority on issues which affect the policies of an enterprise;
- Machinery exists to monitor and resolve disputes in appropriate cases.

The home authority principle applies to all food hygiene and **Trading Standards** issues and has the support of local and central government, trade and professional enforcement bodies.

A booklet describing the home authority principle is currently being updated; but information can be downloaded from the following LACORS website at:

<http://www.lacors.gov.uk/lacors/upload/10596.pdf>

Health and Safety Executive (HSE): In a similar way **HSE** has Local Offices located throughout Great Britain. Each of these Local Offices accepts responsibility for dealing with manufacturers, agents, importers etc., situated within their area in respect of supplying articles and substances to be used at work. In addition to reactive and routine visits to suppliers, **HSE** inspectors will also advise on current standards, including relevant legislation. Suppliers of gas appliances intended for use at work should contact their Local area Office of **HSE**.

A list of Health and Safety Executive (HSE) Local Offices is available from their website (<http://www.hse.gov.uk>) at <http://www.hse.gov.uk/contact/local.htm>. HSE Inspectors and other field professionals are based in offices organised into regions.

HSE offices are open 9am to 5pm, Monday to Friday.

HSE also run **Infoline** which is a public enquiry contact centre.

Opening Hours 8 am - 6 pm.

Telephone 08701 545500

Fax 02920 859260

Minicom 02920 8085537

E-mail <mailto:hse.infoline@natbrit.com>

Clearly it is in the suppliers' own interest to discuss at an early stage, with their own enforcement authority, any problems they may have in applying the Regulations to their products.

ADVICE TO EXPORTERS

European Union: The Gas Appliances Directive applies equally in all member States. Therefore, gas appliances or fittings which comply with all the provisions of the Regulations will be taken as complying with the consolidated Gas Appliance Directive and as such will be entitled to enjoy free movement around the European Union territory. Suppliers are, however, reminded of the need to take into account the various gas types and supply pressures that are in use in different countries. A list of gas types and supply pressures in use in member States has been published by the European Commission and is available from:

http://europa.eu.int/eur-lex/pri/en/oj/dat/1998/c_069/c_06919980305en00120014.pdf

Difficulties experienced by UK companies selling in other member States: Where a UK company believes that their products are being denied proper access to other member States markets they should contact this Department's **Action Single Market** through any of the following means:

Action Single Market

Bay 4123

1 Victoria Street

London SW1H 0ET

Telephone 020 7215 2800 / 2833

Fax 020 7215 2234

E-mail <mailto:asm@dti.gsi.gov.uk>

Website

<http://www.dti.gov.uk/europeandtrade/europe/problemstradingsolvit/page9922.html>

It is important that companies provide as much detail as possible of the problems that they are experiencing (e.g. if it is a problem with another member State's enforcement authority then that authority should be identified; if the difficulty concerns customs authorities then the particular customs post should be identified).

In some cases companies may feel that they should take complaints **directly** to the **European Commission**, if so contact:

<http://europa.eu.int/comm/enterprise/mail-box.htm>

Where a company chooses this route they should **also inform** the Department's **Action Single Market** and **Sustainable Development & Regulations Directorate** - this will ensure that all government channels of communication are used effectively to pursue the matter.

Sustainable Development & Regulations Directorate

Bay 280
151 Buckingham Palace Road
London
SW1W 9SS

Telephone 020 7215 1323

Fax 020 7215 1340

E-Mail <mailto:dti.strd6@gtnet.gov.uk>

Website <http://www.dti.gov.uk/innovation/strd>

Other Countries: The Gas Appliances Directive has no legal force in countries other than in the EEA but for other countries listed in Annex J compliance with the Directive will provide compliance with the legislation in force in those countries. Suppliers who wish to sell their products in other countries must establish whether there are any regulations or technical specifications in force which the product may have to meet. Advice and assistance is available from the following sources:

- Government Offices for the Regions;** <http://www.gos.gov.uk/national>
- Chambers of Commerce;** <http://chamberonline.co.uk>
- Trade Associations.**

Exporters seeking advice on overseas regulations and standards can also contact **BSI**:

Technical Information Group

British Standards Institution
389 Chiswick High Road
London
W4 4AL

Telephone 020 8996 7111

Fax 020 8996 7048

E-Mail <mailto:the@bsi-global.com>

Policy relating to the Gas Appliances Directive and UK Regulations:

Department of Trade and Industry

Sustainable Development & Regulations Directorate

Bay 280

151 Buckingham Palace Road

London

SW1W 9SS

Telephone 020 7215 1323

Fax 020 7215 1340

E-Mail <mailto:dti.strd6@gtnet.gov.uk>

Website <http://www.dti.gov.uk/innovation/strd>

ESSENTIAL REQUIREMENTS

Preliminary remark

The obligations resulting from the **Essential Requirements** for appliances in this Annex also apply to fittings where the corresponding risk exists.

1. General Conditions

1.1 Appliances must be so designed and built as to operate safely and present no danger to persons, domestic animals or property when normally used as defined in Article 1(4) of the Directive.

1.2 When placed on the market, all appliances must:

- be accompanied by technical instructions intended for the installer;
- be accompanied by Instructions for use and servicing, intended for the user;
- bear appropriate warning notices, which must also appear on the packaging.

The instructions and warning notices must be in the official language or languages of the country of destination.

1.2.1 The technical instructions intended for the installer must contain all the instructions for installation, adjustment and servicing required to ensure that those operations are correctly performed and that the appliance may be used safely. In particular, the instructions must specify:

- the type of gas used;
- the gas supply pressure used;
- the flow of fresh air required for the combustion air supply to avoid the formation of dangerous unburned gas mixtures for appliances not fitted with the device referred to in point 3.2.3.
- the conditions for the dispersal of combustion products;
- for forced draught burners and heating bodies intended to be equipped with such burners, their characteristics, the requirements for assembly, to assist compliance with the **Essential Requirements** applicable to finished appliances and, where appropriate, the list of combinations recommended by the manufacturer.

- 1.2.2 The instructions for use and servicing intended for the user must contain all the information required for safe use, and must in particular draw the user's attention to any restrictions on use.
- 1.2.3 The warning notices on the appliance and its packaging must clearly state the type of gas used, the gas supply pressure and any restrictions on use, in particular the restriction whereby the appliance must be installed only in areas where there is sufficient ventilation.
- 1.3 Fittings intended to be part of an appliance must be so designed and built as to fulfil correctly their intended purpose when incorporated in accordance with the instructions for installation. The instructions for installation, adjustment, operation and maintenance must be provided with the fittings concerned.

2. Materials

- 2.1 Materials must be appropriate for their intended purpose and must withstand the technical, chemical and thermal conditions to which they will foreseeably be subjected.
- 2.2 The properties of materials that are important for safety must be guaranteed by the manufacturer or the supplier of the appliance.

3. Design and Construction

3.1 General

- 3.1.1 Appliances must be so constructed that, when used normally, no instability, distortion, breakage or wear likely to impair their safety can occur.
- 3.1.2 Condensation produced at the start-up and/or during use must not affect the safety of appliances.
- 3.1.3 Appliances must be so designed and constructed as to minimise the risk of explosion in the event of a fire of external origin.
- 3.1.4 Appliances must be so constructed that water and inappropriate air penetration into the gas circuit does not occur.
- 3.1.5 In the event of a normal fluctuation of auxiliary energy, appliances must continue to operate safely.
- 3.1.6 Abnormal fluctuation or failure of auxiliary energy or its restoration must not lead to an unsafe situation.
- 3.1.7 Appliances must be so designed and constructed as to obviate hazards of electrical origin. In the area in which it applies, compliance with the safety objectives in respect of electrical hazards laid down in Directive 73/23/EEC (the Low Voltage Directive) shall be equivalent to fulfilment of this requirement.

- 3.1.8 All pressurised parts of an appliance must withstand the mechanical and thermal stresses to which they are subjected without any deformation affecting safety.
- 3.1.9 Appliances must be so designed and constructed that failure of a safety, controlling or regulating device may not lead to an unsafe situation.
- 3.1.10 If an appliance is equipped with safety and controlling devices, the functioning of the safety devices must not be overruled by that of the controlling devices.
- 3.1.11 All parts of appliances which are set or adjusted at the stage of manufacture and which should not be manipulated by the user or the installer must be appropriately protected.
- 3.1.12 Levers and other controlling and setting devices must be clearly marked and give appropriate instructions so as to prevent any error in handling. Their design must be such as to preclude accidental manipulation.

3.2 Unburned gas release

- 3.2.1 Appliances must be so constructed that the gas leakage rate is not dangerous.
- 3.2.2 Appliances must be so constructed that gas release during ignition and re-ignition and after flame extinction is limited in order to avoid a dangerous accumulation of unburned gas in the appliance.
- 3.2.3 Appliances intended to be used in indoor spaces and rooms must be fitted with a special device which avoids dangerous accumulation of unburned gas in such spaces or rooms.

Appliances which are not fitted with such devices must be used only in areas where there is sufficient ventilation to avoid a dangerous accumulation of unburned gas.

Member States may define on their territory adequate space ventilation conditions for the installation of such appliances, bearing in mind the features peculiar to them.

Large scale kitchen appliances and appliances powered by gas containing toxic components must be equipped with the aforesaid device.

3.3. Ignition

Appliances must be so constructed that, when used normally;

- ignition and re-ignition is smooth,
- cross lighting is assured.

3.4 Combustion

- 3.4.1 Appliances must be so constructed that, when used normally, flame stability is assured and combustion products do not contain unacceptable concentrations of substances harmful to health.
- 3.4.2 Appliances must be so constructed that, when used normally, there will be no accidental release of combustion products.
- 3.4.3 Appliances connected to a flue for the dispersal of combustion products must be so constructed that in abnormal draught conditions there is no release of combustion products in a dangerous quantity into the room concerned.
- 3.4.4 Independent flueless domestic heating appliances and flueless instantaneous water heaters must not cause, in the room or space concerned, a carbon monoxide concentration likely to present a danger to the health of persons exposed, bearing in mind the foreseeable duration of their exposure.

3.5 Rational use of energy

Appliances must be so constructed as to ensure rational use of energy, reflecting the state of the art and taking into account safety aspects.

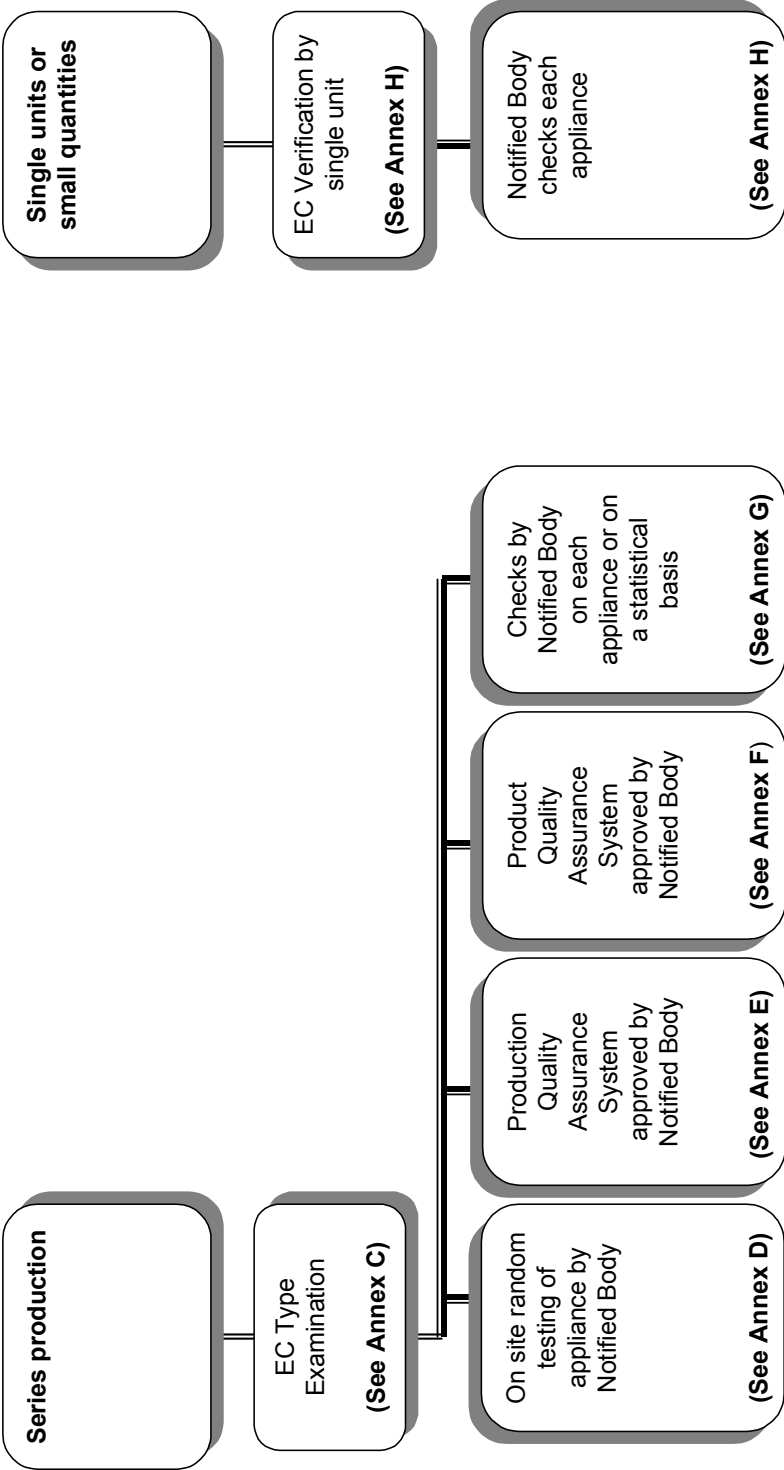
3.6 Temperatures

- 3.6.1 Parts of the appliance which are intended to be placed in close proximity to the floor or other surfaces must not reach temperatures which present a danger in the surrounding area.
- 3.6.2 The surface temperature of knobs and levers of appliances intended to be manipulated must not present a danger to the user.
- 3.6.3 The surface temperatures of external parts of appliances intended for domestic use, with the exception of surfaces or parts which are associated with the transmission of heat, must not under operating conditions present a danger to the user and in particular to children, for whom an appropriate reaction time must be taken into account.

3.7 Foodstuffs and water used for sanitary purposes

Without prejudice to the Community rules in this area, materials and components used in construction of an appliance, which may come into contact with food or water used for sanitary purposes, must not impair their quality.

CERTIFICATION ROUTES



EC TYPE-EXAMINATION

(please refer to Regulation 10)

EC Type-Examination is the procedure by which a **Notified Body** checks and certifies that an appliance/fitting, representative of the production envisaged meets the requirements of the Regulations which apply to it. This is the procedure described in Annex II section 1 of the Directive.

Applications for **EC Type-Examination** must be made by the manufacturer or his authorised representative to a single **Notified Body**. The application must include:

- the name and address of the manufacturer or, if the application is lodged by the authorised representative, his name and address;
- a declaration that the application has not been lodged with any other **Notified Body**;
- the **Design Documentation (see Annex I)**

The manufacturer must place at the disposal of the **Notified Body** an appliance/fitting, representative of the production envisaged (“the type”), and any further samples that may be reasonably required by the **Notified Body**. The type may additionally cover variants at the discretion of the **Notified Body**.

The **Notified Body** will examine the **Design Documentation** and verify that the type has been manufactured in conformity with it and perform, or have performed, the appropriate examinations and/or tests to check conformity with the **Essential Requirements**. If the manufacturer has chosen not to apply specified standards, the **Notified Body** will check that the solutions adopted by the manufacturer meet the **Essential Requirements**.

Where the **Notified Body** is satisfied it will issue an **EC Type-Examination Certificate** to the applicant. The certificate must identify the type it relates to and contain the findings of the examination, indicate any conditions attaching to its issue and incorporate the descriptions and drawings necessary for the identification of the appliance/fitting. The **Notified Body** will also inform all other Notified Bodies.

Any **Notified Body** which refuses to issue, or withdraws, an **EC Type-Examination Certificate** must inform the member State which originally notified it and all other Notified Bodies. The body must give the reasons for its decision and shall give the applicant the opportunity of making representations within a reasonable time as to why it should not be refused or withdrawn. It will inform all other Notified Bodies of its decision.

The applicant must keep the **Notified Body** that has issued the **EC Type-Examination Certificate** informed of all modifications to the approved type which might affect conformity with the **Essential Requirements**. If necessary, additional approval from the **Notified Body** must be obtained, in the form of an addition to the original **EC Type-Examination Certificate**, where such changes affect conformity with the **Essential Requirements** or the prescribed conditions for use of the appliance.

Correspondence shall be conducted in the official language(s) of the country in which these procedures are carried out or in a language acceptable to the **Notified Body**.

EC DECLARATION OF CONFORMITY TO TYPE

(please refer to Regulation 17)

The **EC Declaration of Conformity to Type** is part of the procedure whereby the manufacturer declares that the appliances/fittings concerned are in conformity with the type described in the **EC Type-Examination Certificate (see Annex C)** and satisfy the **Essential Requirements** of the Regulations which apply to them. This is the procedure described in Annex II section 2 of the Directive.

The manufacturer must take all necessary measures to ensure that the manufacturing process, including final product inspection and testing, results in homogeneity of production and conformity of the appliance/fitting with the type described in the **EC Type-Examination Certificate** and with the requirements of the Regulations which apply to them. The manufacturer must also appoint a **Notified Body**, of his choice, to carry out random checks on the appliances.

On-site checks of the appliances/fittings must be undertaken at random by the **Notified Body** at intervals of one year or less. An adequate number of products must be examined and appropriate tests must be carried out in order to ensure conformity with the corresponding requirements of the Regulations. It will be the responsibility of the **Notified Body** to determine whether these tests need to be carried out in full or in part. Where one or more appliance/fitting is rejected, the **Notified Body** shall take appropriate measures to prevent their being placed on the market.

Once the manufacturer or his authorised representative is satisfied that all the criteria for this procedure has been met, in the case of an appliance, he must draw up and retain an **EC Declaration of Conformity to Type**. The declaration may cover one or more appliances. In the case of fittings, he must draw up a **Fitting Certificate (see page 15)**.

The manufacturer or his authorised representative must also affix the **CE marking** to each appliance (**see pages 13 - 15**) which must be accompanied by the identification number of the **Notified Body** who was appointed to carry out the random on-site checks.

Correspondence shall be conducted in the official language(s) of the country in which these procedures are carried out or in a language acceptable to the **Notified Body**.

EC DECLARATION OF CONFORMITY TO TYPE (GUARANTEE OF PRODUCTION QUALITY)

(please refer to Regulation 16)

This is the procedure whereby a manufacturer who has correctly applied an approved **Quality System** for the production process declares that the appliances/fittings concerned are in conformity with the type described in the **EC Type-Examination Certificate (see Annex C)** and satisfy the requirements of the Regulations which apply to them. This is the procedure described in Annex II section 3 of the Directive.

Quality System

The manufacturer must lodge an application for approval of his **Quality System** with a **Notified Body** of his choice for the appliances/fittings in question. The application must include:

- the **Quality System** documentation;
- an undertaking to carry out the obligations arising from the **Quality System** as approved;
- an undertaking to maintain the approved **Quality System** to ensure its continuing suitability and effectiveness;
- documentation relating to the approved type;

and

- a copy of the **EC Type-Examination Certificate**.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and logical manner in the form of written measures, procedures and instructions. This **Quality System** documentation must ensure a common understanding of the quality programmes, plans, manuals and records. It must contain, in particular, an adequate description of:

- the quality objectives, the organisational structure and the responsibilities of the management and their powers with regard to product quality;
- the manufacturing processes, quality control and quality assurance techniques and systematic actions that will be used;
- the examinations and tests that will be carried out before, during and after manufacture and the frequency with which they will be carried out;
- the method of monitoring attainment of the required appliance/fitting quality and the effective operation of the **Quality System**.

The **Notified Body** will examine and evaluate the **Quality System** to determine whether it satisfies the above requirements. It will presume conformity in the case of a **Quality System** that implements the corresponding European harmonised standard. It must notify its decision to the manufacturer and inform all other Notified Bodies. The notification to the manufacturer must contain the conclusions of the examination, the name and address of the **Notified Body** and the reasoned assessment decision in respect of the appliances concerned.

The manufacturer must keep the **Notified Body** that approved the **Quality System** informed of any updating of the **Quality System** in relation to changes brought about by, for example, new technologies and quality concepts. The **Notified Body** will examine the proposed modifications and decide whether the modified **Quality System** complies with the relevant provisions or whether re-appraisal is necessary. It will notify the manufacturer of its decision and include its conclusions of the inspection and the reasoned assessment decision.

A **Notified Body** that intends to refuse or withdraw approval of a **Quality System** must give the reasons for its decisions and provide the opportunity for the applicant to make representations as to why it should not be refused or withdrawn. It will inform all other Notified Bodies of its decisions.

EC Surveillance

An essential element of the approved **Quality System** procedure involves **EC Surveillance** by the **Notified Body** that carried out the approval. The purpose of **EC Surveillance** is to ensure that the manufacturer duly fulfils the obligations arising out of the approved **Quality System**.

The manufacturer must allow the **Notified Body** access for inspection purposes to the place of manufacture, inspection, testing and storage and must provide it with all necessary information, in particular:

- the **Quality System** documentation;
- the quality records, such as inspection reports and test data, calibration data, reports on qualifications of the staff concerned, etc.

The **Notified Body** will carry out a check at least once every two years to ensure that the manufacturer is maintaining and applying the approved **Quality System** and will supply a report of the check back to the manufacturer.

Furthermore, the **Notified Body** may make unannounced visits to the manufacturer. During these visits, the **Notified Body** may carry out tests on the appliances or have them carried out. It must supply the manufacturer with an inspection report and, if appropriate, a test report. The manufacturer may supply the **Notified Body's** report on request.

Once the manufacturer or his authorised representative is satisfied that all the criteria for this procedure has been met, in the case of an appliance he must draw up and retain an **EC Declaration of Conformity to Type (guarantee of Production Quality)**. The declaration may cover one or more appliances. In the case of fittings, he must draw up a **Fitting Certificate (see page 15)**.

The manufacturer or his authorised representative must also affix the **CE marking** to each appliance (**see pages 13 - 15**) which must be accompanied by the identification number of the **Notified Body** involved in the production control phase.

Correspondence shall be conducted in the official language(s) of the country in which these procedures are carried out or in a language acceptable to the **Notified Body**.

EC DECLARATION OF TYPE CONFORMITY (GUARANTEE OF PRODUCT QUALITY)

(please refer to Regulation 16)

This is the procedure whereby a manufacturer who has correctly applied an approved **Quality System** for the final inspection of the appliance/fitting, declares that the products concerned are in conformity with the type described in the **EC Type-Examination Certificate (see Annex C)** and satisfy the requirements of the Regulations which apply to them. The manufacturer or his authorised representative must then draw up and retain a written **EC Declaration of Conformity** and the **CE marking (see pages 13 - 15)** must then be affixed to each appliance and be accompanied by the identification number of the **Notified Body** involved in the production control phase. This is the procedure described in Annex II section 4 of the Directive..

Under this procedure the manufacturer must lodge an application for approval of his **Quality System** with a **Notified Body** of his choice for the appliances/ fittings in question. The application must include:

- the **Quality System** documentation;
- an undertaking to carry out the obligations arising from the **Quality System** as approved;
- an undertaking to maintain the approved **Quality System** to ensure its continuing suitability and effectiveness;
- the documentation relating to the approved type;
- a copy of the **EC Type-Examination Certificate**.

As part of the **Quality System**, each appliance/fitting must be examined and appropriate tests, as laid down in the specified standard(s) or equivalent tests, carried out to check its conformity with the **Essential Requirements** relating to it in the Regulations.

All elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and logical manner in the form of measures, procedures and written instructions. The **Quality System** documentation must permit a uniform interpretation of quality programmes, manual plans and records and must contain, in particular, an adequate description of:

- the quality objectives, the organisational structure and responsibilities of the management and their powers with regard to product quality;
- the checks and tests to be carried out after manufacture;
- the method of verifying the effective operation of the **Quality System**.

The **Notified Body** must examine and evaluate the **Quality System** to determine whether it satisfies the above requirements. It will presume conformity with these requirements in the case of a **Quality System** that implements the corresponding harmonised standard. It will notify the manufacturer of its decision and inform all

other Notified Bodies. The notification to the manufacturer must contain the conclusions of the examination, the name and address of the **Notified Body** and the reasoned assessment decision for the appliances concerned.

The manufacturer must keep the **Notified Body** which approved the **Quality System** informed of any adaptation of the **Quality System** made necessary, e.g. by new technology and quality concepts. The **Notified Body** will examine the proposed changes and decide whether the amended **Quality System** satisfies the relevant provisions or whether a re-assessment is necessary. It must notify the manufacturer of the conclusions of the inspection and the reasoned assessment decision.

A **Notified Body** which intends to refuse or withdraw approval of a **Quality System** must give reasons for its decision and provide the opportunity for the applicant to make representations as to why it should not be refused or withdrawn. It will notify all other Notified Bodies of its decision.

EC Surveillance

An essential element of the approved **Quality System** procedure involves **EC Surveillance** by the **Notified Body** that carried out the approval. The purpose of **EC Surveillance** is to ensure that the manufacturer duly fulfils the obligations arising out of the approved **Quality System**.

The manufacturer must allow the **Notified Body** access for inspection purposes to the place of manufacture, inspection, testing and storage and must provide it with all necessary information, in particular:

- the **Quality System** documentation;
- the quality files such as inspection reports and test data, calibration data, reports on qualifications of the staff concerned, etc.

The **Notified Body** will carry out a check at least once every two years to ensure that the manufacturer is maintaining and applying the approved **Quality System** and will supply a report of the check to the manufacturer.

Furthermore, the **Notified Body** may make unannounced visits to the manufacturer. During these visits, the **Notified Body** may carry out tests on the appliances/fittings or have them carried out. It must supply the manufacturer with an inspection report and, if appropriate, a test report. The manufacturer may supply the **Notified Body's** report on request.

Once the manufacturer or his authorised representative is satisfied that all the criteria for this procedure has been met, in the case of an appliance he must draw up and retain an **EC Declaration of Conformity to Type** (guarantee of Product Quality). The declaration may cover one or more appliances. In the case of fittings, he must draw up a **Fitting Certificate (see page 15)**. The manufacturer or his authorised representative must also affix the **CE marking** to each appliance (**see pages 13 - 15**) which must be accompanied by the identification number of the **Notified Body** involved in the production control phase.

Correspondence shall be conducted in the official language(s) of the member State in which these procedures are carried out or in a language acceptable to the **Notified Body**.

EC VERIFICATION

(please refer to Regulations 19 and 20)

This is the procedure whereby the manufacturer or his authorised representative declares that the appliances/fittings subjected to verification individually or by batch are in conformity to the type described in the **EC Type-Examination Certificate (see Annex C)** and satisfy the requirements of the Regulations that apply to them. This is the procedure described in Annex II section 5 of the Directive.

The manufacturer or his authorised representative must take all measures necessary in order that the manufacturing process ensures conformity of the appliances/fittings to the type described in the **EC Type-Examination Certificate** and to the requirements of the Regulations.

Once the manufacturer or his authorised representative is satisfied that all the criteria for this procedure have been met, in the case of an appliance he must draw up and retain an **EC Declaration of Conformity to Type (EC Verification)**. The declaration may cover one or more appliances. In the case of fittings, he must draw up a **Fitting Certificate (see page 15)**. The manufacturer or his authorised representative must also affix the **CE marking** to each appliance (**see pages 13 - 15**) which must be accompanied by the identification number of the **Notified Body** involved in the production control phase.

The manufacturer must appoint a **Notified Body** to carry out appropriate examinations and tests in order to check the conformity of the appliance/fitting with the requirements of the Regulations. At the choice of the manufacturer, these checks may be carried out either by examining and testing each appliance/fitting, or by examining and testing the appliances by batch on a statistical basis.

VERIFICATION BY CHECKING AND TESTING EACH APPLIANCE/FITTING

All appliances/fittings must be individually examined and appropriate tests as defined in the specified standards, or equivalent tests, must be carried out in order to check the products conformity with the Regulations.

If satisfied the Notified Body will draw up a written **EC Certificate of Conformity** (which may relate to more than one appliance or fitting) (**see Annex F**) which must be retained by the manufacturer or his authorised representative. The manufacturer or his authorised representative must ensure that he is able to supply the **EC Certificate of Conformity** on request. The **Notified Body** must also affix or cause to be affixed alongside the **CE marking** the identification number of the **Notified Body** involved in the production control phase.

Statistical Verification

The manufacturer must submit his appliances/fittings in the form of uniform batches and take all necessary measures to ensure that the manufacturing process results in the uniformity of each batch produced.

Appliances/fittings must be subject to statistical control by attributes and should therefore be grouped into identifiable batches consisting of units of the same model which have the same design characteristics and which are manufactured under essentially the same conditions. At random intervals a batch is examined. The appliances/fittings constituting a sample are examined individually and appropriate tests are carried out to determine whether the batch is to be accepted or rejected.

A sampling plan with the following operating characteristics is applied:

- a standard quality level corresponding to a 95% probability of acceptance with a percentage of non-conformity between 0.5% and 1.5%;
- a limit quality corresponding to a 5% probability of acceptance with a percentage on non-conformity between 5% and 10%.

If a batch is accepted, the **Notified Body** must draw up an **EC Certificate of Conformity (see Annex F)** which must be kept by the manufacturer or his authorised representative. All the appliances in the batch may be placed on the market, except those in the sample that have been identified as not conforming. If a batch is rejected, the **Notified Body** must take appropriate measures to prevent it being placed on the market. Should batches be rejected frequently, the **Notified Body** may suspend statistical verification.

The **Notified Body** must also either affix or cause to be affixed, with the **CE marking**, the identification number of the **Notified Body** involved in the production control phase. This may be done by the manufacturer during the manufacturing process under the responsibility of the **Notified Body**.

The manufacturer or his authorised representative must ensure that he is able to supply the **EC Certificate of Conformity** on request.

Correspondence shall be conducted in the official language(s) of the country in which these procedures are carried out or in a language acceptable to the **Notified Body**.

EC UNIT VERIFICATION

(please refer to Regulation 18)

This is the procedure whereby the manufacturer of single or small numbers of appliances/fittings or his authorised representative declares that the appliance satisfies the requirements of the Regulations. This is the procedure described in Annex II section 6 of the Directive.

Once the manufacturer or his authorised representative is satisfied that the all the criteria for this procedure has been met, in the case of an appliances he must draw up and retain an **EC Declaration of Conformity to Type (EC Unit Verification)**.

The manufacturer or his authorised representative must also affix the **CE marking** to each appliance (**see pages 13 - 15**) and the identification number of the **Notified Body** involved in the production control phase.

The manufacturer or his authorised representative must appoint a **Notified Body** who will examine and carry out appropriate tests, taking into account the **Design Documentation (see Annex I)** in order to ensure its conformity with the **Essential Requirements**.

If after carrying out the relevant examinations and tests the **Notified Body** is satisfied it will issue an **EC Certificate of Conformity** which must be retained by the manufacturer or his authorised representative and affix or cause to be affixed, to the approved appliance, its identification number which must accompany the **CE marking**.

If deemed necessary by the **Notified Body** the examinations and tests may be carried out after installation of the appliance.

The manufacturer or the authorised representative must draw up an **EC Declaration of Conformity** and affix **CE marking** to the appliance or in the case of a fitting issue a **Fitting Certificate**, which he must keep.

Correspondence shall be conducted in the official language(s) of the country in which these procedures are carried out or in a language acceptable to the **Notified Body**.

DESIGN DOCUMENTATION

The documentation required by a **Notified Body** is likely to consist of the following information, in so far as it is required by the **Notified Body** for assessment:

- a general description of the appliance;
- conceptual designs and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.
- descriptions and explanations necessary for the understanding of the above including the operation of the appliances;
- a list of the specified standards (**see pages 10 - 11**), applied in full or in part, and descriptions of the solutions adopted to meet the **Essential Requirements (see Annex A)** where the specified standards have not been applied;
- test reports;
- manuals for installation and use.

Where appropriate, the **Design Documentation** must contain the following elements:

- attestations relating to the equipment incorporated in the appliance;
- attestations and certificates relating to the methods of manufacture and/or inspection and/or monitoring of the appliance;
- any other document making it possible for the **Notified Body** to improve its assessment.

Records and correspondence relating to the documentation shall be conducted in the official language(s) of the country in which these procedures are carried out or in a language acceptable to the **Notified Body**.

COUNTRIES WHERE COMPLIANCE WITH THE REGULATIONS PROVIDES FREE MOVEMENT OF GOODS

Note - The following information is correct as of February 2007.

CONTRACTING PARTIES TO THE EUROPEAN ECONOMIC AREA AGREEMENT:

EUROPEAN MEMBER STATES

- | | | |
|---------------|------------------|------------------|
| ■ Austria | ■ Belgium | ■ Bulgaria |
| ■ Cyprus | ■ Czech Republic | ■ Denmark |
| ■ Estonia | ■ Finland | ■ France |
| ■ Germany | ■ Greece | ■ Hungary |
| ■ Ireland | ■ Italy | ■ Latvia |
| ■ Lithuania | ■ Luxembourg | ■ Malta |
| ■ Netherlands | ■ Poland | ■ Portugal |
| ■ Romania | ■ Slovakia | ■ Slovenia |
| ■ Spain | ■ Sweden | ■ United Kingdom |

EFTA MEMBER STATES

- | | | |
|-----------|----------|-----------------|
| ■ Iceland | ■ Norway | ■ Liechtenstein |
|-----------|----------|-----------------|

Note that Switzerland is not a contracting party to the EEA, but see Swiss MRA below.

Protocols to the Europe Agreements on Conformity Assessment and Acceptance of Industrial Products (PECAs)

The Europe Agreements are the basic accords governing bilateral relations between the European Communities and their member States and each candidate country in central and Eastern Europe. Under the terms of the Europe Agreements, candidate countries for EU membership should approximate their legislation to that of the Community. In the field of industrial standards and conformity assessment, the Europe Agreements aim to achieve the candidate countries' full conformity with Community technical regulations and European standardisation and conformity assessment procedures. They also envisage the conclusion of agreements on mutual recognition in these fields.

PECAs can be considered as the major instrument of the pre-accession strategy in the field of the free movement of goods. They create an enlarged internal market for products in certain industrial sectors prior to accession. As such, they are of great political and economic significance to the countries concerned. The **PECAs** represent recognition of progress made in adopting and implementing the relevant EC legislation on industrial products, and in creating the necessary administrative

infrastructure. The **PECAs** are also important to the EU in extending the benefits of the internal market using a sectoral approach, on the basis of the sectors identified by the candidate countries.

Basically this means that Gas Appliances complying with the Regulations can enjoy free movement to countries with a **PECA** in force, subject to the product having been approved by a Notified Body for that country.

You are therefore advised to check the European Commission's website on a regular basis to ensure that you are aware of the current state of play on both the candidate countries involved and the particular sectors that each country has identified.

Please check the following European Commission website for current state of play and for further information :

<http://europa.eu.int/comm/enterprise/regulation/pecas/pecas.htm>

Customs Agreement with Turkey:

A Customs agreement has been agreed to set up a free trade agreement between the EU and Turkey. For further information please see the following link:

<http://deltur.cec.eu.int/>
and select the English language link

Mutual Recognition Agreements (MRAs)

The European Community in its relations with third countries endeavours to promote international trade. For regulated products, this is achieved - inter alia - through the conclusion of Mutual Recognition Agreements (**MRAs**) on the basis of Article 133 of the Treaty.

Mutual Recognition Agreements are established between the Community and the Government of third countries, which are on a comparable level of technical development and have a compatible approach concerning conformity assessment. These agreements are based on the mutual acceptance of test reports, certificates and marks of conformity issued by the conformity assessment bodies of one of the Parties of the Agreement in conformity with the legislation of the other Party.

Generally MRAs require more than just compliance with the Regulations. However, for Switzerland there is a MRA in place with little difference between the two requirements. For full details see D G Trade website:

<http://trade-info.cec.eu.int/tbt/mra.cfm?id=46>

This contains a link to helpful guidance produced by EOTC under contract from DG Trade. See website:

http://trade-info.cec.eu.int/tbt/documents/oth_61_MRA_Final_version_31_EOTC_revision_24-02-03_.doc

This provides details of the additional requirements (predominantly energy efficiency) for the Swiss market.

Further general information on MRAs is available from the European Commission's website. **You are advised to access this site, on a regular basis, to ensure that you are aware of the current state of play with regards to MRAs:**

<http://europa.eu.int/comm/enterprise/international/indexb1.htm>

Other Free Trade Agreements

The EU is negotiating other arrangements with a number of countries. These agreements are expected to aim to be free trade agreements relying on mutual recognition of products circulating in the EU and in the partner country, and therefore they will require no additional compliance requirement to that required for circulation of the product in the EEA.

As at May 2004 there are no agreements in place. Full information on current negotiations can be found on the Commission website at:

http://europa.eu.int/comm/trade/issues/bilateral/countries/index_en.htm

UK NOTIFIED BODIES

This list is correct as at February 2007.
Updated lists will be published on our website at
<http://www.dti.gov.uk/innovation/strd>

Advantica Technologies Ltd

Certification Services
Ashby Road
Loughborough
Leicestershire LE11 3GR

Identification number: **0087** - *for the procedures described in Annex II, section 1-6 of the Gas Appliances Directive. Type-examination Body and Quality Assurance Body.*

Contact: Mr Graham D. McKay
Tel: 01509 282 258
Fax: 01509 283 113
<mailto:Graham.McKay@advanticatech.com>

BSI Products Services

Maylands Avenue
Hemel Hempstead
Hertfordshire HP2 4SQ

Identification number: **0086** - *for the procedures described in Annex II, section 1-6 of the Gas Appliances Directive. Type-examination Body and Quality Assurance Body.*

Contact: Mr Bob Glover
Tel: 01442 278 572
Fax: 01442 278 621
<mailto:bob.glover@bsi-global.com>

Bureau Veritas Quality International (BVQI)

2nd Floor, Tower Bridge Court
224-226 Tower Bridge Road
London SE1 2TX

Identification number: **0301** - *for the procedures described in Annex II, sections 3 and 4 of the Gas Appliances Directive. Quality Assurance Body.*

Contact: Mr Andrew Kirkby
Tel: 020 7661 0700
Fax: 020 7661 0790
<mailto:andrew.kirkby@uk.bureauveritas.com>

Intertek Testing & Certification Ltd

Intertek House
Cleeve Road
Leatherhead
Surrey
KT22 7SB

Identification number: **0359** - *for the procedures described in Annex II, section 1, 2, 5 and 6 of the Gas Appliances Directive. Type-examination Body.*

Contact: Mr Graham Moxon
Tel: 01372 370 900
Fax: 01372 370 999
<mailto:graham.moxon@intertek.com>

Lloyd's Register Quality Assurance Limited

Hiramford
Middlemarch Office Village
Siskin Drive
Coventry
CV3 4FJ

Identification number: **0088** - *for the procedures described in Annex II, sections 3 and 4 of the Gas Appliances Directive. Quality Assurance Body.*

Contact: Mr Paul Williams
Tel: 02476 882 360
Fax: 02476 306 055
<mailto:paul.williams@lrqa.com>

SGS United Kingdom Limited

Unit 202B
Worle Park
Weston-Super-Mare
Somerset
BS22 6WA

Identification number: **0120** - *for the procedures described in Annex II, section 3 and 4 of the Gas Appliances Directive. Quality Assurance Body.*

Contact: Mr Peter Downs
Tel: 01934 522 917
Fax: 01934 522 137
mailto:Peter_Downs@sgsgroup.com

OTHER EUROPEAN & NATIONAL LEGISLATION THAT MAY AFFECT GAS APPLIANCES

The following Directives and implementing Regulations may also be applicable to appliances and fittings within the scope of the Gas Appliances Directive/ Regulations. However, it is for the manufacturers of such products (and other persons on whom obligations are placed by the Regulations) to consider and comply with any other legislation which also applies to their products if they are to be placed on the market / put into service in the Community. The following is not an exhaustive list.

DIRECTIVES

- **The Low Voltage Directive (2006/95/EEC)**. More information is available from:

http://europa.eu.int/comm/enterprise/electr_equipment/lv/index.htm

Implemented into UK law by the **Electrical Equipment (Safety) Regulations 1994 (S.I. 1994 No. 3260)**. More information is available from:

<http://www.dti.gov.uk/innovation/strd>

- **The Electromagnetic Compatibility Directive (89/336/EEC) and amending Directive (92/31/EEC)**. More information is available from:

http://europa.eu.int/comm/enterprise/electr_equipment/emc/index.htm

Implemented into UK law by the **Electromagnetic Compatibility (EMC) Regulations 2005 (S.I. 2005 No. 281)**. More information is available from:

<http://www.dti.gov.uk/innovation/strd>

including information on the new EMC Directive 2004/108/EC and its implementation in the UK.

- **The Boiler Efficiency Directive (92/42/EEC)**. For more information contact:

Alan Christie
Department for Environment, Food & Rural Affairs (DEFRA)
 Sustainable Energy Policy Division
 Zone 6/F8
 Ashdown House
 123 Victoria Street
 London
 SW1E 6DE

Telephone 0207 082 8726
 Fax 0207 082 8735
 E-Mail <mailto:alan.christie@defra.gsi.gov.uk>

Further useful information, including a Boiler Efficiency Database, can be found at:

<http://www.sedbuk.com>

General information on energy efficiency can be found at Action Energy - a UK Government programme designed to provide free information to organisations to help them cut their energy bills:

<http://www.actionenergy.org.uk/>

REGULATIONS

- **The Plugs and Sockets etc. (Safety) Regulations 1994 (S.I. 1994 No. 1768)**. More information about the Regulations is available from:

<http://www.dti.gov.uk/innovation/strd>

For advice on how these Regulations may affect gas appliances you should contact your local authority Trading Standards service which is listed in the telephone directory either under 'Local Authority' or 'Trading Standards'. In Northern Ireland enquiries should be made to the relevant department of the local District Council. Alternatively go to the following website and type in your postcode to find your local Trading Standards service:

<http://www.tradingstandards.gov.uk/>