

6 August 2009

Dear ATEX Stakeholder,

ATEX Stakeholder report – August 2009

As you can see from the letterhead, the Department has been renamed and is now called the Department for Business, Innovation and Skills (BIS). You may wish to note that this has led to a small change in our email addresses to firstname.lastname@bis.gsi.gov.uk – the BERR addresses will still work for a short time, but you might like to take the opportunity to change your address books now to avoid possible lost emails in the future. Telephone numbers and other contact details remain unchanged.

The main point of this report is to update you on the discussions at the ATEX Working Group and Standing Committee meeting which took place on 22 June. I have attached a note of the meeting as an annex to this letter, but a few headlines are summarised below. An ATEX Administrative Co-operation (ADCO) meeting took place during the previous week on 17 and 18 June.

- The Standing Committee adopted the consolidated version of the ATEX Guidelines (Third Edition, June 2009) and the consideration paper on filter units and vented silo bins.
- The Orgalime paper on the format of documentation for ATEX equipment was discussed. The Commission reiterated its preference for paper documentation, but said that it will consider the Orgalime proposal in the light of the new Machinery Directive guidance (soon to be completed) and the LVD guidance, which allows for the possibility of electronic support for documentation.
- The UK presented its paper on evidence of production control – the issue is over whose responsibility it is to ensure that all type examination certificates are covered by a QA notification. The Directive says that the manufacturers should be responsible, but it is possible to interpret it as suggesting that a Notified Body might also need to be involved (clause 3 Annex III). The Commission said that ExNB should be approached and asked for a clear statement.
- CEN consolidated standards have been uploaded to the standards database. CENELEC standards are due to be published shortly.

V 384, 1 Victoria Street, London, SW1H 0ET
<http://www.bis.gov.uk/>

Direct Line +44 (0)20 7215 0158 | Fax +44 (0)20 7215 0158
Enquiries +44 (0)20 7215 5000 | Email andrew.lunnon@bis.gsi.gov.uk

- Two CEN standards were issued in 2008 – EN 1127-2 & EN 1710, both have an updated annex Z for the new Machinery Directive.
- The Commission is discussing the best way to devise an omnibus measure to incorporate the changes brought about by the New Legislative Framework into a number of Directives, including ATEX – there will be no technical changes. A draft omnibus measure should be available in 2010 with possible entry in force in 2011.
- The next ATEX ADCO and Working Group meetings are provisionally set for 15th and 16th December in Brussels.

The latest version (3rd edition – June 2009) of the European Commission's ATEX Guidelines can be found on the Europa website at:

http://ec.europa.eu/enterprise/atex/guide/atexguidelines_june2009.pdf .

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

Regards,

A.D. Lunnon

Andrew Lunnon

Senior Policy Advisor, Pressure Equipment, Simple Pressure Vessels and ATEX,
Environmental and Technical Regulations Directorate

**ATEX Directive
Informal note of Working Group meeting
22 June 2009 - Brussels**

Standing Committee:

The Standing Committee meeting was rather brief. The consolidated version of the ATEX Guidelines (Third Edition, June 2009) and the consideration paper on filter units and vented silo bins were adopted without comment

Working Group:

1. Directive 94/94EC: interpretation questions

*Clarification to EHSR 1.0.6 (c) and chapter 10.1.3 of the ATEX Guidelines -
ATEX_WG/08/2/04*

The Netherlands paper was discussed along with contributions from France and Cyprus. Once again, there were comments on the reference to standard EN 60079-19, since this is not harmonised with the Directive and applies only to electrical equipment. CENELEC said that although the standard referred to electrical equipment, it also covered some aspects of non-electrical equipment, albeit not all. If a direct reference was a concern, the standard could be cited as an example. The UK suggested that the paper might fit better in Chapter 7 of the ATEX Guidelines, since this dealt with repair and maintenance, whilst Chapter 10 dealt with Documents on Conformity. There was no clear consensus on the preferred form of the guidance from the three proposals tabled (Netherlands, France and Cyprus).

The Commission proposed that the documents should be merged with cross-references to each other and placed on four week circulation through CIRCA for a consensus to be reached route. This was agreed.

Category 3 Goods EC-Type Examination Certificates

The Commission reported that the UK paper had been agreed at the last meeting, but that examples had been sought to put in an annex to the paper. France and Germany had submitted a table. France said that it had tried to find some examples to illustrate which Category 3 products might have an EC- type examination certificate and which should not. It had also tried to distinguish between electrical and non-electrical. It was agreed that the table was a useful addition to guideline 10.2 and the document will be uploaded to CIRCA.

*Remarks on the consideration paper on filter units and vented silo bins -
ATEX_WG/09/1/08*

Mr Dill was not present, so it was decided to defer this item to the next meeting.

Format of the documentation required by (among others) the ATEX Directive - ATEX_WG/08/2/06

The Orgalime proposal had been considered at the previous meeting. The Commission reiterated its preference for paper documentation, although it had previously agreed to check with other New Approach Directives, especially the Machinery Directive which was actively considering new guidance. So far there had been no discussion on the format of documentation, but the new Machinery guidance was expected before the end of December. The Commission said that the most recent version of the LVD guidance allowed for the possibility of electronic support for documentation. The Commission said that it would wait until the issue had been discussed for the Machinery guidance and then consider the Orgalime proposal in the light of this and the LVD guidance.

Proposal for a Consideration Paper on Steam Turbines - ATEX_WG/08/2/07

EU Turbines presented their paper and said that it would be helpful if the existing paper on gas turbines could be developed to cover steam. It was agreed that this would be useful and that a consideration paper would be drafted for the next meeting.

Requesting evidence of production control – ATEX_WG/09/01/09

The UK presented its paper. CENELEC added that the issue is over whose responsibility it is to ensure that all type examination certificates are covered by a QA notification. The Directive says that the manufacturers should be responsible, but it is possible to interpret it as suggesting that a Notified Body might also need to be involved (clause 3 Annex III). The Commission said that ExNB should be approached and asked for a clear statement.

2. Progress on standardisation

ATEX Harmonised standards

The Commission reported that CEN had uploaded consolidated standards to the standards database – these will be published in the next month or so. CENELEC standards are due to be published shortly.

The Commission said that Machinery groups had requested an alignment of standards lists for the Machinery Directive to provide a list of the most up to date standards with dates of publication and cessation and to avoid inconsistencies. The Commission would like to do the same for ATEX and this will be discussed at the next meeting.

Standardisation work in CEN TC 305 – ATEX_WG/09/01/07

CEN reported that two standards had been issued in 2008 – EN 1127-2 & EN 1710, both have an updated annex Z for the new Machinery Directive.

The work on ISO/IEC mining equipment requirements has been delayed due to difficulties in agreeing on references to European standards. Work on combustible dusts test methods is to be transferred from SC31 J to 31M, since that group is better resourced. A

new project for protective systems will be covered by a new ad hoc group – a call for experts has been launched.

Standardisation work in CENELEC TC 31

CENELEC reported that much of the work is taking place at IEC level. The ATEX WG wanted the standards group to look at identifying what constituted a change in the state of the art – difficulties in defining this have now arisen. CENELEC sought comments on its paper (to be uploaded to CIRCA) from Member States in time for the next TC 31 meeting in October.

Report by ATEX CEN/CENELEC consultant – ATEX_WG/09/1/05

Mr Dill had submitted a paper, but was not present to discuss it. There was a short discussion on differences between CENELEC and CEN standards on transition periods. It was agreed to put the question to Mr Dill.

Substantial modifications due to changes from standards series EN 50014 to EN 60079 – ATEX_WG/08/2/10

The draft revision of Section 10.3 of guidelines had been amended by ExNB with more examples. The Commission will wait for this to be formally accepted by the group before discussing it at the next meeting.

Standard marking evolution (new edition of EN 60079-0) – ATEX_WG/08/2/11

A revised paper had been received from Mr Dill. The Commission proposed that this item would be merged with the previous one and discussed at the next meeting.

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

The Commission said that the report of the UNECE Working Group 6 meeting is available on the UNECE website (http://www.unece.org/trade/wp6/documents/2006/wp6_06_007e.pdf). Germany reported that the Terms of Reference for the project had been agreed and the initial objectives would be published on the website soon. It is likely that placing on the market, repair and maintenance will be included. A new sector project on pipeline safety has just started and participants are being sought. The next general assembly will take place in November and the outcome will be discussed at the next ATEX WG

3. Report by ATEX ADCO chair

Luxembourg gave an oral report of the business from the ATEX ADCO meeting of 17-18 June in Luxembourg.

4. Co-operation between Notified Bodies

The next ExNB meeting will take place on 18-19 November in Brussels.

Update of the list of existing NB clarification sheets – ATEX_WG/09/1/06

The Commission reported that it had reordered the presentation of sheets on the website. There is now a list of current clarification sheets together with a consolidated list including hyperlinks to the text of each. The Commission proposed that sheets were endorsed in a similar manner to those covering the Machinery Directive. The proposed text of a sheet will be placed on CIRCA for comment – if there are no comments it will be published on the website, otherwise it will be discussed in the ATEX Standing Committee and either agreed or withdrawn. ExNB said that all sheets are reviewed after five years and that by its next meeting all should be up to date. In the meantime, valid sheets will be uploaded to CIRCA shortly for Member State comments in time for the next Working Group meeting.

5. New Legal Framework (NLF) and alignment to ATEX

The Commission is discussing the best way to devise an omnibus measure to cover a number of Directives, including ATEX – there will be no technical changes. The Commission is working on identifying points in ATEX that need to be aligned with NLF and will present its ideas at the next Working Group. A draft omnibus measure should be available in 2010 with possible entry in force in 2011.

6. Next meeting

A two day meeting with the ADCO on the first day, followed by the Working Group will take place on 15 and 16 December (tbc).

Andrew Lunnon
BERR

July 2009