

August 2010

Dear ATEX Stakeholder,

ATEX Stakeholder Report – August 2010

This report is to update you on the discussions at the ATEX Standing Committee and Working Group meeting on 7 July. A note of the meeting is attached at Annex A to this letter, although a few headlines are highlighted below. An Administrative Co-operation (ADCO) meeting took place on 23-24 June.

- The Standing Committee approved two Consideration Papers on clarification for equipment with Categories two or three and how the Directive should be applied to filter units and vented silo bins.
- The UK paper on clarification of markings for equipment used outside a potentially explosive atmosphere that contains an internal potentially explosive atmosphere will be amended according to comments received at the meeting for discussion next time.
- The Notified Bodies Group will consider the UK paper on minimum content for an EC-Type Examination test report at their next meeting in November.
- The UK presented a paper on mist explosion hazards, which had been prompted by a report from the Health and Safety Laboratory. The report had concluded that there was little information on explosions in a mist atmosphere. The Commission said that the UK had raised an interesting point– gas and dust atmospheres were well documented, but mists were not so well known. Contributions were invited for the next meeting.
- A new list of harmonised standards was published in the Official Journal, reference C/183 of 7 July 2010.

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- CEN TC 305 and CENELEC TC 31 have established a joint working group to deal with the issue of standards for equipment and protective systems intended for use in potentially explosive atmospheres and state of the art.
- EN 1755 on the safety of industrial trucks is being revised. The CEN/CENELEC consultant will submit a consideration paper on this to the WG dealing with equipment combined with gas detectors – this is a complex issue and it will be useful to get a common understanding to help development of the standard. I know that this is an area of interest for some UK stakeholders and I would be happy to make the consideration paper available when it is published. Please register your interest with me by email (andrew.lunnon@bis.gsi.gov.uk) and I will keep you informed of progress.
- A Commission consultation on the Impact Assessment for the New Legislative Framework (NLF) opened in June. The consultation period has now been extended to 15 October. The consultation can be found via this [link](#).
- In order to improve co-ordination between the ATEX “user” Directive (1999/92/EC) and the ATEX “products” Directive (94/9/EC), DG Employment have been invited to the ATEX ADCO and WG meetings in December. Please let me know of any ideas for the agenda on the interaction between the two Directives by 30 November and I will pass them on to the Commission.
- The Commission has set a provisional date of 9 and 10 December for the next ADCO and WG meetings respectively.

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

Regards,

A.D. Lunnon

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**Informal note of ATEX Standing Committee and Working Group
7 July 2010 - Brussels**

Standing Committee

1. The Standing Committee approved two Consideration Papers without comment: Clarification for equipment with Categories two or three and Application of the Directive to filter units and vented silo bins?

Working Group (WG)

2. Update on the ATEX website on EUROPA

The ATEX EUROPA website pages have been updated to include links to information and guidance on standardisation (including a list of harmonised standards), Notified Bodies, contact points and market surveillance authorities.

3. Directive 94/94EC: interpretation questions

Clarification to EHSR 1.0.6 (c) and chapter 10.1.3 of the ATEX Guidelines

The Commission said that the Directive already provides references to information for repairs. The consolidated text with comments from Cyprus, the Netherlands, the UK and France will form the basis for a proposal for written discussions on four week circulation on CIRCA. The Commission said that the WG had been discussing this issue without resolution for three years and if agreement could not be reached at the next meeting, it would stick to the wording of the Directive.

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

The UK will send some amendments to clarify the examples in the paper in time for the next meeting.

Minimum content for an EC-Type Examination test report

After some discussion of the UK's paper, the Commission said that although the content of a test report might be the subject of a private agreement between the manufacturer and Notified Body, information on the minimum content seemed a good idea. The Commission will ask the Notified Bodies Group to consider the paper at their next meeting in November.

Electrical trace heating systems

Germany said that its market surveillance authority had been asked how this type of product should be marketed under the ATEX Directive. In some cases, the installation of

such equipment fell under the ATEX “user” Directive rather than 94/9. The Commission said that it would like to reach agreement on how this type of system should be dealt with and that Germany’s work could be made into a consideration paper for discussion with all delegates.

Automatic lubricating systems

These are battery driven systems used to apply grease to bearings in inaccessible parts of machinery. The German proposal that they should be viewed as electrical equipment under ATEX was agreed.

Mist explosion hazards

The UK presented a paper on mist explosion hazards, which had been prompted by a report from the Health and Safety Laboratory. The report had concluded that there was little information on explosions in a mist atmosphere and the UK paper asked for the experiences and thoughts of other Member States and stakeholders. The Commission said that the UK had raised an interesting point– gas and dust atmospheres were well documented, but mists were not so well known. The Commission invited contributions for the next meeting.

4. Standardisation issues

ATEX Harmonised standards

The Commission reported that a new list of harmonised standards had been published in the Official Journal, reference C/183 of 7 July 2010.

Standardisation work in CEN TC 305

The CEN TC 305 representative reported that the issue of a change of the state of the art in standards is still being discussed. CENELEC is also considering the issue.

IEC TC 31M has begun five projects. One standard on the application of quality systems for equipment manufacture is nearing completion and should be issued next year.

Standardisation work in CENELEC TC 31

A further update on the question of standards and state of the art. As reported at the last WG meeting, CEN TC 305 and CENELEC TC 31 have now established a joint working group to deal with the issue. A sub group meeting in August will consider a different layout of Annex ZY with more explanation as to the reasons for changes to standards. The IEC standards committees intend to discuss the issue at the IEC TC 31 plenary in the autumn and hope to agree that a written explanation on changes to standards will be included.

Report by ATEX CEN/CENELEC consultant

EN 1755 on the safety of industrial trucks is being revised. The CEN/CENELEC consultant will submit a consideration paper on this to the WG dealing with equipment combined with gas detectors – this is a complex issue and it will be useful to get a common understanding to help development of the standard.

Standards are being developed on the safety of fuel cells (usually ATEX equipment) and hydrogen equipment (which applies to hydrogen filling stations). An IEC standard is being drafted on how to deviate from standards and will be distributed in European fora in due course.

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

GER gave an update on a proposal on “International legal requirements for explosion protection” submitted to UNECE. It was aimed at countries that don’t already have ATEX type regulation and would offer assistance to the authorities in developing legislation as well as guidance and training for regulators and manufacturers. The next meeting will take place in September in Berlin.

5. Co-operation between Notified Bodies

Update of the list of existing NB clarification sheets

The Commission said that only clarifications “noted” by the Standing Committee were published on the EU ATEX website. A number of sheets had been put on CIRCA to be noted by the Standing Committee via written procedure. The Netherlands had commented on a number of documents that were out of date and proposed that the remainder should be noted. The Commission agreed that those noted would be published and asked the Netherlands to work with the ExNB group on the rest.

6. New Legal Framework and alignment to ATEX

The Commission reiterated that its informal draft alignment text for ATEX was restricted to alignment with the NLF – there will be no modifications to the EHSRs. A Commission consultation on the NLF Impact Assessment opened in June, to close in mid-October.

7. ATEX “workplace” Directive 1999/92/EC

The Commission said that DG Employment (DG EMP) had met with DG ENT and Sweden to discuss further co-operation between the groups responsible for the two ATEX Directives. DG EMP is not active on the issue at the moment and there are no regular meetings for Directive 1999/92. DG EMP had been invited to the ATEX ADCO and WG meetings in December. The Commission asked for points for the agenda – repair of equipment could be one issue from the ATEX side. The Commission will try to get a DG EMP presence for at least one ATEX meeting per year.

8. AOB

France said that the latest standards list included an entry for EN 13463-2001 which had been superseded by the 2009 version of the standard. France asked if there had been a mistake in date of cessation of conformity for the old standard as this was given as the date of publication of the new version without the usual two year transition period. The

Commission confirmed that this was correct – it wasn't an ideal situation, but the anomaly had been caused by delays in the publication process. The Commission said that CEN/CENELEC can propose a new date of cessation and if there was a problem the Commission might allow an amendment. CEN TC 305 will propose standardisation to 2-3 year transition, although it will not cover this instance.

9. Next meeting

The Commission has set a provisional date of 9 and 10 December (ADCO followed by WG), if it is not able to confirm this, it will try for dates in the second half of January, which may be quieter.

Andrew Lunnon
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August 2010