



Directive 2009 / 142 / EC on Appliances burning gaseous fuels (GAD) (ex-90 / 396 / EEC)

DG Enterprise and Industry
Unit F.5: Engineering Industries

EU-Serbia screening exercise - Chapter 1: Free movement of goods
18.06.2014

GAD applies to 'appliances' – Art. 1

‘Appliances’ mean appliances burning gaseous fuels used for cooking, heating, hot water production, refrigeration, lighting or washing and having, where applicable, a normal water temperature not exceeding 105°C. Forced draught burners and heating bodies to be equipped with such burners shall also be considered as appliances



GAD applies to 'fittings' – Art. 1



‘Fittings’ means safety devices, controlling devices or regulating devices and sub-assemblies, other than forced draught burners and heating bodies to be equipped with such burners, separately marketed for trade use and designed to be incorporated into an appliance burning gaseous fuel or assembled to constitute such an appliance

Excluded from GAD's scope – Art. 1

Appliances specifically designed for use in industrial processes carried out on industrial premises



Gaseous fuel – Art. 1

‘**Gaseous fuel**’ means any fuel which is in a gaseous state at a temperature of 15°C under a pressure of 1 bar

Normally used – Art. 1

‘**Normally used**’ – correctly installed and serviced in accordance to the manufacturer's instructions, used in accordance with intended purpose or in a way which can be reasonably foreseen, etc.

Note: national installation regulations can also apply

Art.2(1)

Later in this presentation

Communication of gas types – Art.2(2)

Member States shall communicate in good time to the other Member States and the Commission all changes to **the types of gas and corresponding supply pressures used on their territory**

This information is published in the *Official Journal of the European Union* (OJEU)

**Types of gas and the corresponding supply pressures according to Article 2(2) of Council Directive
90/396/EEC of 29 June 1990**

(2004/C 296/02)

(This publication is based on information received by the Commission services from the Member States)

Country	Gas family	Wobbe index (gross) in		Supply pressure in mbar		
		MJ/m ³ or kWh/m ³ (0 °C)	MJ/m ³ or kWh/m ³ (15 °C)	Minimum	Nominal	Maximum
AUSTRIA	SECOND					
	Group H	47,7-56,5 MJ/m ³		18	20	25
	THIRD					
	Group P		72,9-76,8 MJ/m ³	42,5	50	57,5
	Group B/P		72,9-87,3 MJ/m ³	42,5	50	57,5
				In leisure accommodation vehicles and boats		
				25	30	35 ⁽¹⁾
BELGIUM	SECOND					
	Group L (a)	12,19-13,03 kWh/m ³	11,56-12,35 kWh/m ³	18 ⁽²⁾	25 ⁽²⁾	30 ⁽²⁾

GAD Art. 3

Appliances and fittings shall satisfy the essential requirements applicable to them set out in **Annex I**

GAD Art. 4

1. Member States may not prohibit, restrict or impede the placing on the market and the putting into service of appliances which comply with this Directive and which bear the CE marking

2. Member States may not prohibit, restrict or impede the placing on the market of fittings accompanied by a certificate

GAD Art. 5

Member States shall presume compliance with the essential requirements ... of appliances/fittings when they conform to ... the national standards ... implementing the harmonised standards the reference numbers of which have been published in the OJEU

GAD Art. 6

Formal Objection against standards

GAD Art. 7

Later in this presentation

GAD – Conformity assessment

Art. 8: Means of certification of conformity

Annex II: Modules

For series-manufactured **appliances**

- Module B - **EC Type-Examination** *followed by one of the following*
 - Module C - **Conformity to Type**
 - Module D - **Production Quality Assurance**
 - Module E - **Product Quality Assurance**
 - Module F - **Product Verification**

For production as a single unit or in small quantities

- Module G - **Unit Verification**

CE marking affixed after completion of the procedures

GAD – Conformity assessment

Fittings treated differently - Art. 8(4):

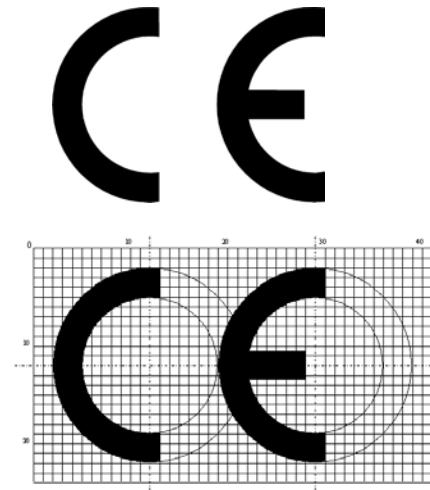
- The same means of certification of conformity shall be applied in respect of fittings with the exception of the affixing of the CE marking
- A certificate shall be issued declaring the conformity of the fittings with the provisions which apply to them and stating their characteristics and how they must be incorporated into an appliance or assembled to assist compliance with the essential requirements applicable to finished appliances
- The certificate shall be supplied with the fittings

GAD – Conformity assessment

- Notified Body/Bodies always involved in conformity assessment (see also **Art. 9** – Notification)

GAD – Markings Art. 10, Annex III & I

- **CE Marking:** attests conformity of an appliance with the provisions of the GAD **and** other Directives specifying the affixing of the CE marking and applying to the appliance
- CE marking followed by the ID number of the notified body involved in the production control phase
- Other inscriptions



GAD – Market surveillance

- Art. 2(1) - General market surveillance obligation: *Member States shall take all necessary steps to ensure that the appliances may be placed on the market and put into service only if ... they do not compromise the safety of persons ...*
- Art. 7 - Safeguard clause procedure: *Where a Member State finds that ... appliances bearing the CE marking might compromise the safety of persons ... it shall take all appropriate measures to withdraw those appliances from the market and prohibit or restrict their being placed on the market....*

GAD – Market surveillance

- Art. 11 – Unduly affixed CE marking:

Where a Member State establishes that the CE marking has been affixed unduly, the manufacturer or his authorised representative established within the Community shall be obliged to make the product comply as regards the provisions concerning the CE marking

Where non-compliance continues, Art. 7 may be applied

GAD Annex I – Essential Requirements

- Legal requirements relating to design and construction of GAD appliances and fittings
- **Gas risks** (and rational use of energy)
- General conditions:
 - must operate safely and present no danger
 - must be accompanied by instructions (technical for installer, user instructions, servicing instructions) in the official language(s) of the Member State of destination
 - must bear warning notices, also on the packaging
 - indication of the type of gas used, the gas supply pressure and any restrictions on use
 - *for fittings* => instructions in a special 'fittings certificate'

GAD Annex I – Essential Requirements

- Materials - ...must be appropriate...
- Design and construction deal with
 - general design and construction requirements
 - unburned gas release (*risk of explosion, fire, etc.*)
 - ignition (*smooth, cross-ignition assured*)
 - combustion (*combustion products including CO*)
 - rational use of energy (*energy efficiency*) => *lex specialis*
 - temperatures (*e.g. surface temperatures*)
 - foodstuffs and water used for sanitary purposes (*no impact on quality*)

GAD Annex I – Essential Requirements

GAD does not indicate how the essential requirements must be met thus leaving flexibility to manufacturers as regards technical solutions to be adopted

In order to facilitate market access, harmonised Standards, the reference numbers of which have been published in the OJEU, provide a presumption of conformity with the directive's essential requirements

Note: Using harmonized standards is voluntary!

Standardisation work is being coordinated by the CEN

GAD – Working parties

- **Member States Working Group Gas Appliances (WG-GA):** Commission, Member States, European federations, Notified Bodies, CEN, consumers
- **GAD Administrative Co-operation Group (GAD ADCO):** Member States, Commission
- **Gas Appliances Directive Advisory Committee (GAD-AC):** Notified Bodies + observers
- **Notified Bodies Gas Appliances (NB-GA):**
Notified Bodies
- **European Committee for Standardization (CEN)**

GAD – How to apply the GAD

- Text of Directive 2009/142/EC (GAD):
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:330:0010:0027:EN:PDF>
- Guidance Sheets: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:330:0010:0027:EN:PDF>

Note: Guidance Sheets represent neither a legally binding interpretation of the GAD nor are formally committing authorities or Notified Bodies. However, based on a lay consensus, they represent a reference for ensuring consistent application of the directive by all those involved

GAD – New legislative developments

- **Revision of the GAD** including alignment to the New Legislative Framework (NLF) and clarification as well as technical updating of the provisions:
 - Commission adopted its Proposal for a Regulation on appliances burning gaseous fuels on 12 May 2014
 - No change suggested in the scope except removal of the exclusion of appliances with a normal water temperature exceeding 105°C
 - Harmonisation of terminology, definitions and obligations of economic operators, Notified Bodies, etc. (NLF Decision 768/2008 and sector specific issues)
 - Clarification and updating of certain provisions (*communication of gas types, application of 'lex specialis', introduction of the general design principles, etc.*)



GAD contact point

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http://ec.europa.eu/enterprise/sectors/pressure-and-gas/documents/gad/index_en.htm