



Potentially Explosive Atmospheres (ATEX)

**current legislation and
new developments**

Brussels, 10 June 2014

The ATEX Sector

- *Mechanical, electrical and telecommunication equipment, protective systems, devices and components to be used in potentially explosive atmospheres:*
 - **underground mines**
 - **petrochemical plants**
 - **oil refineries**
 - **filling stations** and other places where flammable gases may be present
 - **agricultural premises**, flour mills, silos and stocking facilities, where airborne dust can represent a hazard
 - etc.

EU legislation: the ATEX Directive 94/9/EC

- *Website on EUROPA:*

<http://ec.europa.eu/enterprise/sectors/mechanical/atex>

- *Scope:*

- **Equipment**
- **Protective systems**

*when intended for use in a potentially explosive atmosphere
and*

- **Devices according to Art. 1(2)**
- **Components**

*must comply when **placed on the market** or **put into service***

ATEX Directive 94/9/EC

Basic elements

- *Text:*

<http://ec.europa.eu/enterprise/sectors/mechanical/documents/legislation/atex>

- *Definitions:* Art. 1(3)

- **Equipment**
- **Protective systems**
- **Components**
- **Explosive Atmospheres**

- *Exclusions:* Art. 1(4)

- *Installations, Plants and Assemblies:*

- **subject to workplace Directives (as 1999/92/EC)
and/or national legislation**

ATEX Directive 94/9/EC

Equipment: Groups and Categories

- *Group I:* underground parts of mines
 - **Category M1:** for use in mines *endangered* by firedamp and/or combustible dust
 - **Category M2:** for use in mines *likely to be endangered* by firedamp and/or combustible dust
- *Group II:* other places
 - **Category 1:** for use in areas in which explosive atmospheres are *present continuously*, for long periods or frequently
 - **Category 2:** for use in areas in which explosive atmospheres are likely to occur
 - **Category 3:** for use in areas in which explosive atmospheres are *unlikely* or occur only *infrequently* and for a *short period*

ATEX Directive 94 / 9 / EC

Essential Health and Safety Requirements

- **Legal requirements** relating to **design and construction of ATEX equipment** (Annex II)
- **Common requirements** applicable to any ATEX product + **Supplementary requirements** for each specific category/equipment groups and protective systems
- Based on the principle of **integrated explosion safety** (risks assessed and prevented in the design phase)
- **Harmonised standards** developed in support of the legal requirements

ATEX Directive 94/9/EC

Conformity assessment: Modules

Council Decision 93/465/EEC

Directive 94/9/EC

• <i>Module A</i> - Internal Production Control	Annex VIII
• <i>Module B</i> - EC Type-Examination	Annex III
• <i>Module C</i> - Conformity to Type	Annex VI
• <i>Module D</i> - Production Quality Assurance	Annex IV
• <i>Module E</i> - Product Quality Assurance	Annex VII
• <i>Module F</i> - Product Verification	Annex V
• <i>Module G</i> - Unit Verification	Annex IX

ATEX Directive 94/9/EC

Conformity assessment: Notified Bodies

Involvement of Notified Bodies	Equipment of Category M1 & 1 ; autonomous protective systems	Electrical equipment and internal combustion engines of Cat. M2 & 2	Other equipment of Category M2 & 2	Equipment of Category 3
Notified Body involved in the PRODUCT DESIGN phase	X	X		
Notified Body involved in the PRODUCTION phase	X	X		
COMMUNICATION of TECHNICAL FILE to Notified Body			X	
SELF DECLARATION of the manufacturer			X	X

ATEX Directive 94/9/EC

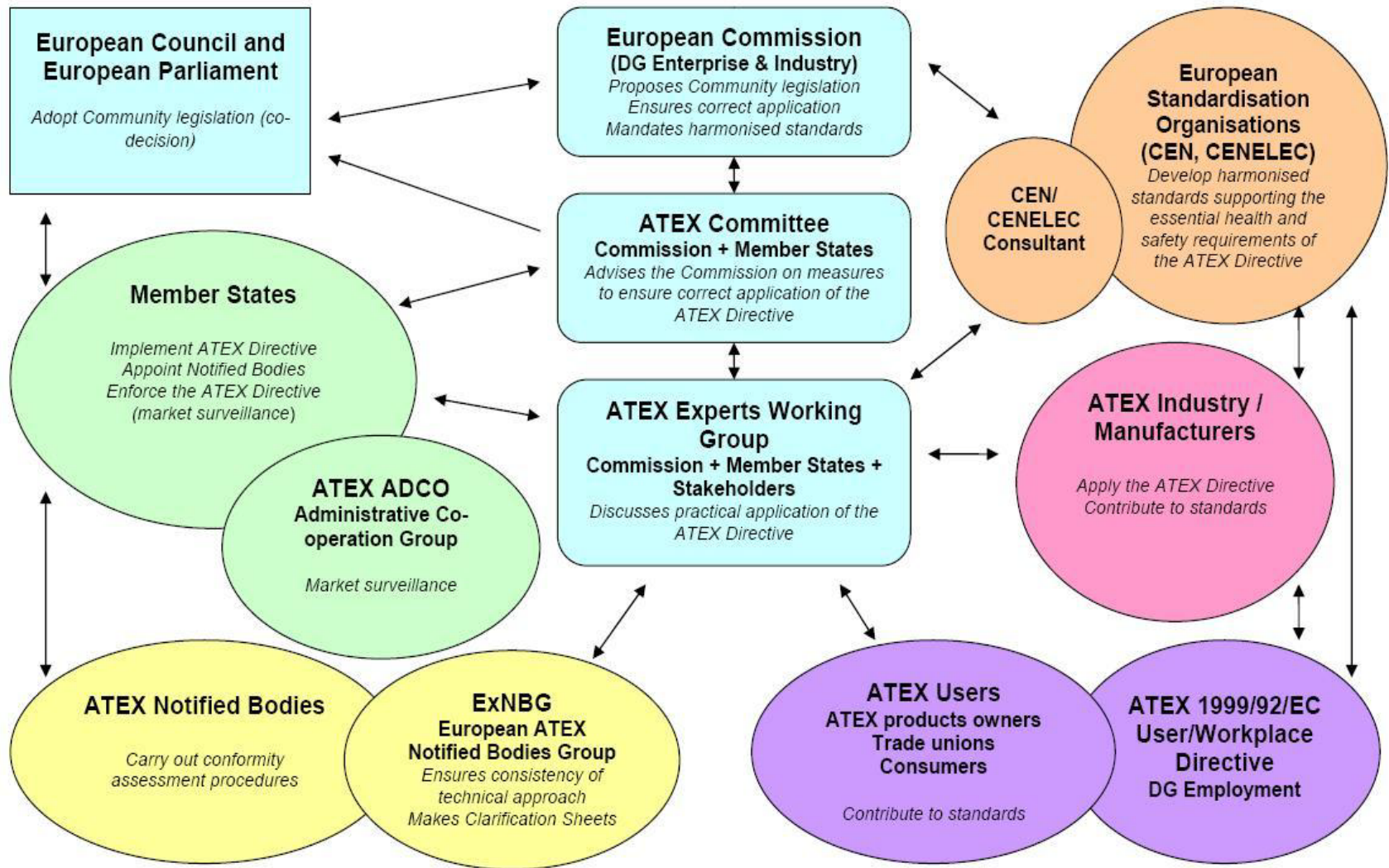
Markings

- **CE Marking:** attests conformity of a product with the provisions of the Directive
- **Epsilon-x Marking (*Hexagon*):** specific marking of explosion protection
- **Symbols and Letters** (equipment group and category, gas/dust, etc.)



II 2 GD

Organisational scheme for the ATEX 94/9/EC Directive



ATEX Directive 94/9/EC

Working Parties

- **ATEX Standing Committee (*Article 6(3) and (4)*):**
Commission and Member States
- **ATEX Experts Working Group:** Commission, Member States and Stakeholders (European-wide Standardisers, Notified Bodies, Industry, Trade Unions, Consumers...)
- **ATEX Administrative Co-operation (AdCo) Group:**
Member States
- **European ATEX Notified Bodies Group (ExNBG):**
Notified Bodies
- **Technical Committees on Standardisation:** CEN TC 305, CENELEC TC 31

ATEX Directive 94 / 9 / EC

Market Surveillance

- **General market surveillance obligation:** Article 2(1), *Member States shall take all appropriate measures to ensure that the equipment ... may be placed on the market and put into service only if ... they do not endanger the health of safety of persons ...*
- **Safeguard clause procedure:** Article 7, *When a Member State ascertains that equipment ... bearing the CE marking ... are liable to endanger the safety of persons ... it shall take all appropriate measures to withdraw such equipment from the market, to prohibit the placing on the market ...*

ATEX Directive 94/9/EC

How to apply the Directive

- **Guidelines** on the application of Directive 94/9/EC:
<http://ec.europa.eu/enterprise/sectors/mechanical/documents/guidance/atex/application>
- **Consideration Papers** by the ATEX Standing Committee:
<http://ec.europa.eu/enterprise/sectors/mechanical/documents/guidance/atex/standing-committee>
- **ExNBG Clarification Sheets** noted by the ATEX Standing Committee:
<http://ec.europa.eu/enterprise/sectors/mechanical/documents/guidance/atex/clarification>

ATEX Directive 94/9/EC

New legislative developments

- **Regulation 1025/2012 on European Standardisation:** new procedure for formal objection against a Harmonised Standard (replacing Article 6(1))
- ***Draft Regulation on Market Surveillance:*** new Safeguard Clause procedure regarding products (going to replace Article 7)
- **Alignment to the Treaty of Lisbon and to the New Legislative Framework:** new ATEX Directive 2014/34/EU

The NLF-aligned ATEX Directive

- *Inclusion of Regulation 765/2008 and the main elements of Decision 768/2008/EC, with no substantial changes in:*
 - **Scope**
 - **Classification of equipment-groups into categories**
 - **Essential Health and Safety Requirements**
 - **Conformity assessment procedures**
- *Main changes:*
 - Codification/recast: new denomination (2014/34/EU)
 - Harmonisation in terminology, definitions and obligations of economic operators, Notified Bodies, etc.
 - Clarification on the status of products and components

Transitional period and transposition

- *New NLF-aligned ATEX Directive*: approved and published in the OJEU on 29 March 2014
- *Transitional period*: 2 years (applicable as by 20 April 2016)
- *Transposition*: based on the substantive contents of the ATEX Directive 94/9/EC (unchanged) plus the specific changes from the NLF-alignment

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