

The New ATEX Directive 2014/34/EU joins the New Legislative Framework

On March 29th 2014, the new ATEX Directive was published in the Official Journal of the European Union. The new Directive of the European Parliament and of the Council dated February 26th 2014, called ATEX 2014/34/EU, concerns the harmonization of the Member States laws concerning equipment and protective systems intended for use in potentially explosive atmospheres. The objective of Directive 2014/34/EU is to ensure the free movement of ATEX equipment, in the EU.

The update to the ATEX directive is part of an alignment of nine Directives with the New Legislative Framework (NLF). The Commission will be starting work on guidelines for the new ATEX text and a new version of the 'Blue Guide' (a guide of all product directives) is expected soon.

Here is a quick overview of the changes and likely affects on the ATEX Market:

- There will be more product surveillance under the new ATEX Directive
- All Notified Bodies (NoBo's) will have to re-apply to become ATEX Notified
- All Notified Bodies will have been properly accredited and proven competent to be Notified
- CE Declarations will be 'EU' Declaration of Conformity not 'EC' Declaration of Conformity
- EC Type Examination Certificates will be EU Type Examination Certificates under the new ATEX Directive
- There may be an Expiry Date on 2014/34/EU ATEX Certificates
- Although 94/9/EC ATEX Certificates will remain valid, it will not be possible to have a variation under the old Directive as the Directive has been repealed
- It is likely that the new more regulated EU Type Examination Certificates will be requested by companies as it gets written in to procurement manuals
- Useful website for further information based on the alignment of nine Directives:
http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/new-legislative-framework/index_en.htm
- The NLF objectives are: the facilitation of goods and services trade between Member States
- The NLF wants to improve the credibility of the CE marking and the enrichment of the regulatory framework for the accreditation of conformity assessment bodies, improving the quality of their activity
- The revision did not entail substantial changes to the technical content of the ATEX Directive. Text of the new ATEX directive clearly highlights the obligations of the various players of the supply chain, such as manufacturers, authorized representatives, importers and distributors. In addition, the article relevant to the "definitions" has been greatly expanded
- As regards to products and equipment placed on the market before April 20th, **2016** and in accordance with the preceding Directives, these may continue to be sold within the EU, even after that date, in a transitional period to allow manufacturers and stakeholders to adapt the new rules

What products are covered by the new ATEX directive?

The new ATEX Directive, as well as the previous one, applies to equipment and protective systems intended for use in potentially explosive atmospheres. The safety devices, monitoring and control intended for use outside potentially explosive atmospheres, but required or useful for the safe functioning of equipment and protective systems with respect to the risks of explosion, are also covered by the scope of the Directive. This Directive is addressed to the "equipment" which means machines, apparatus, fixed or mobile devices, control components and instrumentation, as well as prevention systems which, separately or jointly, are intended for the generation, transfer, storage, measurement, control and conversion of energy able, due to their ignition sources, to cause an explosion.

Article 41 of 2014/34/EU:

Transitional provisions:

1. Member States shall not impede the making available on the market or the putting into service of products covered by Directive 94/9/EC which are in conformity with that Directive and which were placed on the market before 20 April 2016.
2. Certificates issued under Directive 94/9/EC shall be valid under this Directive.

Article 42 of 2014/34/EU:

Transposition:

1. Ireland is required to adopt and publish by 19 April 2016 the laws, regulations and administrative provisions necessary to comply and implement the Directive in Irish law.