

**April 2014**

## **The new ATEX Directive 2014/34/EU**

A great news is going to characterize the law system of the field of equipment that can be used in locations with a potentially explosive atmosphere. 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 goods, to which it applies, in the EU. Accordingly, the Directive, based on the Article 95 of the EC Treaty, provides the requirements and procedures for establishing the harmonized conformities.

### **Entry into force**

The new Directive, which came into force on the day after its publication on the Official Journal of the European Union, March 30th, 2014, goes to repeal, with effect from April 20th, 2016 the ATEX Directive 94/9/EC.

### **New law system**

The reissue of the ATEX Directive is part of a more extensive and systematic plan: the New Legislative Framework (NLF) in which appear the eight European Directives that have been published in the OJ on March, 26th 2014:

- Electromagnetic Compatibility Directive (EMC) - 2014/30/EU
- Directive on equipment and protective systems intended for use in potentially explosive atmospheres (ATEX) - 2014/34/EU
- Low Voltage Directive (LVD) - 2014/35/EU
- Lifts Directive - 2014/33/EU
- Measuring Instruments Directive (MID) - 2014/32/EU
- Directive on simple pressure containers
- Directive on non-automatic weight systems
- Directive on explosives for civil uses

## 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" 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.

## How to comply with the ATEX Directive (2014/34/EU)

The ATEX directive continues to offer two ways to perform the conformity assessment of products:

The internal production control or self-certification CE marking. The manufacturer carries out the conformity assessment documenting the assessment on its own. The factory production control shall apply to equipment and devices of group II, category 3.

Involvement of a Notified Body for the equipment and the components of such systems or devices of Groups I and II, categories M1, M2, 1 and 2.

## What changes?

The NLF objectives are: the facilitation of goods and services trade between Member States, by updating the conditions for movement in the unique European market of a wide range of industrial products, and a greater protection for companies and consumers through the strengthening of market surveillance.

Furthermore, 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 didn't entail substantial distortions to the technical content of the Directives. In their texts are most clearly highlighted the obligations of the various players of the supply chain, such as manufacturers, authorized representatives, importers and distributors. Furthermore, 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, may continue to be sold within the EU even also after that date, in a transitional period to allow manufacturers and stakeholders to adapt the new rules.

## TECHNICAL NEWS



To be sure to be safe.

In the coming months we'll fully analyze the various chapters and annexes of the new Directive. For the moment, you can have a look at it at the following address:

<http://eur-lex.europa.eu/legal-content/EN-IT/TXT/?uri=CELEX:32014L0034&from=IT>

For a comparison, consider the references to the repealed Directive set out in Annex XII.