

Köln, 29<sup>th</sup> September 2017

## **FARECOGAZ Position Paper on following ATEX Items:**

- a) Marking prohibition for products not under the scope
- b) Proposed Form of Declaration of Suitability
- c) Classification of FARECOGAZ pressure control & measuring systems
- d) Certification of FARECOGAZ assemblies
- e) Surveillance

### **References:**

- ATEX 2014/34/EU Guidelines – 1<sup>st</sup> Edition - April 2016 "Guide to the application of the Directive 2014/34/EU of the European Parliament and of the Council of 26<sup>th</sup> February 2014"
- COM (2003) 515 "COMMUNICATION FROM THE COMMISSION concerning the non-binding guide of good practice for implementing Directive 1999/92/EC of the European Parliament and of the Council on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres"- August 2003
- CEN/SFG-I N 97 - ATEX Guidance Sheet – February 2015

## **a) Marking prohibition for products not under the scope of ATEX Directive 2014/34/UE and for simple apparatus**

Taking into account what stated in official interpretation papers of European Commission ("Guide to the application of the Directive 2014/34/EU of the European Parliament and of the Council of 26th February 2014" April 2016) and in the CEN/SFG-I N 97 - ATEX Guidance Sheet – February 2015, FARECOGAZ wants to confirm some arguments related to application of the ATEX Directive 2014/34/UE.

The manufacturer is required to undertake an ATEX analysis of the equipment (see clause § 32 "Products covered by the ATEX Directive" of ATEX 2014/34/EU Guidelines – 1st Edition - April 2016) to verify whether the Directive 2014/34/UE shall be applied. Only when, according to criteria at clause § 32 of ATEX 2014/34/EU Guidelines – 1st Edition - April 2016, the Directive shall be applied and the marking should be allowed.

The annex II-part B of the Directive 1999/92/EC considers only equipment marked to Directive 2014/34/UE as suitable for using into classified zones (potentially explosive atmospheres).

Marking to the Directive 2014/34/UE for the equipment out from the scope of the Directive 2014/34/UE itself is forbidden because it could bring distortions of the market (see CEN/SFG-I N 97 - ATEX Guidance Sheet).

The suitability of equipment not covered by the Directive 2014/34/UE to be used in the potentially explosive atmospheres (into classified zone to Directive 1999/92/EC), can be justified by a Manufacturer's declaration stating that under intended use the Directive 2014/34/UE is not applicable (Declaration of Suitability).

For instance "The non- electrical simple apparatus", included in the scope of ATEX I because a lot of such equipment is used in potentially explosive atmospheres (into classified zones to Directive 1999/92/EC), are defined as non-electrical equipment, which, under intended use and also when expected or rare malfunction occurs, have no any own effective source of ignition. These non-electrical simple apparatuses shall not be Ex or CE marked, in the latter case unless another Directive applies.

Also simple valves, for which the only ignition source originates from a static charge build-up arising from the throughput of the media concerned, therefore requiring earthing (e.g. no springs, special bonding etc.) as in the case of pipes, with no own source of ignition intended for use in potentially explosive atmospheres where earthing is also required, do not fall within scope as accepted by the majority of members.

This does not preclude the need for types of protection to avoid an effective ignition source given that these "simple" valves are intended for use in hazardous environments, and will therefore have to be safe for use as determined by the employer's risk assessment under the relevant "use" Directive.

"Simple" products: see clause § 38 of ATEX 2014/34/EU Guidelines – 1st Edition - April 2016

## **b) Proposed form of “Declaration of Suitability” consistent with part B - Annex II Directive 1999/92/EC**

Ref. :

- § 4.5.1. "CE marking" in "The 'Blue Guide 2016’”;
- Article 30 of the New Legislative Framework Regulation (EC) No 765/2008;
- CEN/SFG-I N 97 - ATEX Guidance Sheet – February 2015.

A voluntary “declaration of suitability” (no EC declaration), stating:

- ✓ ATEX analysis has been done, considering all hazardous situations leading to an explosion,
- ✓ no own potential source of ignition (Ref. Cl. 4.3 of EN 1127/1) has been detected,
- ✓ the equipment can be installed at the discretion of TSO/DSO/operator,

can be issued.

This Declaration of Suitability may be requested for equipment intended for use in potentially explosive atmospheres which is out from the scope of Directive 2014/34/UE consequent to the prohibition of any misleading marking.

### **[form proposal]**

#### **DECLARATION OF SUITABILITY**

*(in accordance with EN 45014)*

We

.....  
*(manufacturer's name)*

.....  
*(address)*

*declare under our sole responsibility that the product / products series:*

.....  
*(name, type or model, lot, batch or serial number)*

*described in the document(s):*

.....  
*to which this declaration relates is / are in conformity with the following standard(s) or other document(s)<sup>1</sup>:*

.....  
*(title and/or number and date of issue of the standard(s) or other normative document(s))*

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<sup>1</sup> Those subjected to pressure conform to also the Directive 2014/68/UE

# FARECOGAZ

European Association of the Manufacturers of Gas Meters, Gas  
Pressure Regulators and Associated Safety Devices and Stations

*in accordance with the provisions detailed into article 1 3a) of the Directive 2014/34/UE of 26<sup>th</sup> February 2014 and § 32 of ATEX 2014/34/EU Guidelines – 1st Edition - April 2016, on the basis of an ATEX analysis that has considered all hazardous situations leading to explosion, it / they is / **are not within scope of Directive 2014/34/UE**, as it / they is / are not capable of causing an explosion through its / their own potential sources of ignition detailed in clause 5.3 of the document EN 1127-1 when it / they is / are used in the assemblies complying with the standard(s) document(s)*

.....  
(title and/or number and date of issue of the standard(s) or other normative document(s))

*therefore It / they can be installed into all types of zones as detailed in the Directive 1999/92/EC of 16 December 1999.*

**c) ATEX classification of FARECOGAZ pressure control & measuring systems:  
FARECOGAZ position on pressure control systems in accordance with ENs  
12186/12279 and measuring systems in accordance with EN 1776**

FARECOGAZ agrees with and supports position detailed in the CEN/SFG-I N 97 - ATEX Guidance Sheet – February 2015.

It means, given that:

- pressure regulating and measuring systems used in the transmission and distribution of fuel gases may include various equipment in the sense of article 1.1 of ATEX I Directive 2014/34/EU, both, electric and non-electric equipment jointly together to carry out their own independent function
  - pressure regulating and measuring systems used in the transmission and distribution of fuel gases are considered as integrated to the connected pipeline,
  - the last four indents of § 38 of ATEX I Directive 2014/34/EU Guidelines – 1st Edition - April 2016 (former clause 5.2.2 of ATEX Guidelines 4th Edition Sept 2012 - Update Dec 2013) are applicable to all pressure regulating and measuring systems,
- the pressure regulating systems in accordance with ENs 12186 / 12279 and measuring systems in accordance with EN 1776, are classified as installation as those detailed in § 38 of ATEX 2014/34/EU Guidelines – 1st Edition - April 2016 “Examples of equipment not covered by Directive 2014/34/EU” (former clause 5.2.2 of ATEX Guidelines 4th Edition Sept 2012 - Update Dec 2013), therefore they are not covered by ATEX I Directive 2014/34/EU.
- These systems shall comply with the ATEX II Directive 1999/92 and other applicable European Directives and national regulations where existing.

**d) Certification of FARECOGAZ “ATEX assemblies”:** FARECOGAZ position on non-electrical gas equipment such as pressure regulators, safety shut-off devices, valves, pressure vessels etc. equipped with electrical fixtures without own independent function

FARECOGAZ agrees with and supports position detailed in the CEN/SFG-I N 97 - ATEX Guidance Sheet – February 2015.

In fact, considering that:

- the pressure regulators / safety devices / valves / pressure vessels normally are equipment in the sense of article 1.1 of ATEX 2014/34/EU,
- the pressure regulators / safety devices / valves / pressure vessels are also normally classified as “simple” products (specifically those in accordance with ENs 334 / 14382) as per clause § 38 of ATEX 2014/34/EU Guidelines – 1st Edition - April 2016 “Examples of equipment not covered by Directive 2014/34/EU” (former clause 5.2.2 of ATEX Guidelines 4th Edition Sept 2012 - Update Dec 2013) therefore they are not covered by ATEX 2014/34/EU,
- the additional electric fixtures may be classified as components and are put in the market with appropriate attestation of conformity as detailed in § 46 Components and § 94 “Written attestation of conformity for components” (former clauses 3.9 and 10.1.2 of the above GUIDELINES),

the units including pressure regulators / safety devices / valves/ pressure vessels with additional electric fixtures may be classified as “assemblies” as detailed in § 44 “Combined equipment (assemblies)” of ATEX 2014/34/EU Guidelines – 1st Edition - April 2016 (former clause 3.7.5 of previous edition of ATEX Guidelines), therefore the risk assessment may be restricted to those additional ignition hazards and other relevant hazards which become relevant because of the final combination.

Where no additional ignition hazard is detected, no further action is required to comply with the provision of ATEX Directive 2014/34/EU.

As an example, a simple equipment, not falling under the ATEX Directive 2014/34/EU, equipped with a second equipment (e.g. electrical device) falling under the scope, is considered an assembly.

N. 2 cases can happen:

1. If following a risk assessment no additional ignition and further relevant hazards are detected, an **UE Declaration (self-declaration w/o any intervention of a Notified Body)**, along with the CE marking (ATEX 2014/34/EU CE marking) and operating instructions shall be delivered.

If no additional risks have been detected, then the “manufacturer of the assembly” delivers an UE Declaration and ATEX instructions (operating, maintenance, etc.).

A final user who combines the different pieces of equipment can never be considered as a “manufacturer of the assembly”.

2. If additional ignition and further relevant hazards may occur, the **relevant conformity assessment has to be performed**.

When the assembly is delivered to the operators, it becomes part of the installation to be commissioned under the responsibility of the TSO/DSO/operator.

It means that the responsibility moves from the manufacturer (product) to the TSO/DSO/operator (correct installation).

TSO/DSO/operator can delegate or outsource all or some activities to a third party acting on its behalf.

The manufacturer remains responsible for the expected functioning of the single parts of the delivered equipment and their compatibility towards assembling according to relevant instructions.

Subsequent surveillance activities are under the responsibility of TSO/DSO/operator.

## **e) Surveillance (commissioning and/or servicing) at site of fuel gases equipment**

There is the need of supporting working tool for the parties operating in the fuel gases sector and specifically for those parties that have to carry out some activities inside the areas of gas pressure regulating stations/gas measuring stations/gas odorization units and gas installations in the fuel gases transmission and distribution systems.

For implementation of Directive 1999/92/EC (ATEX II) and relevant Guide of Good Practice COM (2003)515 final for the surveillance (commissioning and/or servicing), the following documents shall be used:

1. National regulations which implement the EU provisions, along with possible additional requirements;
2. Codes of practices and technical specifications of TSO/DSO/operator in accordance with national regulations.

Following complementary document might be used for further operational procedures/tools:

3. FARECOGAZ Guideline Surveillance on NG Stations - Edition July 2013 (see FARECOGAZ WEB site <http://www.farecogaz.eu/guidelines> )