

ATEX European Directive 2014/34/EU

Harmonization of the laws of the Member States

As already seen in our blog, with the Directive 94/9/EC ATEX (implemented in Italy with Presidential Decree No.126 of 23 March 1998 and in force since 1 July 2003), the European Union has defined the requirements necessary for all equipment and protective systems to be used in potentially explosive atmospheres. The directive name, in fact, comes from the words **AT**mosphères **EX**plosibles (ATEX) and is intended to guarantee the free circulation of products within the European Community, according to health and safety regulations.

On 29 March 2014, the new ATEX Directive 2014/34/EU was published in the Official Journal of the European Union, which abrogated the previous one starting from 20 April 2016.

In Italy, the transposition of this directive took place through the Legislative Decree n. 85 of 19 May 2016 (In Germany with the Drucksache 499/15 of 15 October 2015, in France with the décret 2015-799 of 1 July 2015, in Spain with the Real Decreto 144/2016 of 8 April 2016. As for the previous one, the aim of the directive is to facilitate the free trading of goods within the European Union, to protect companies and users harmonizing laws of member states. In detail, the European directive refers to equipment and protection systems intended for specific use in potentially explosive atmospheres.

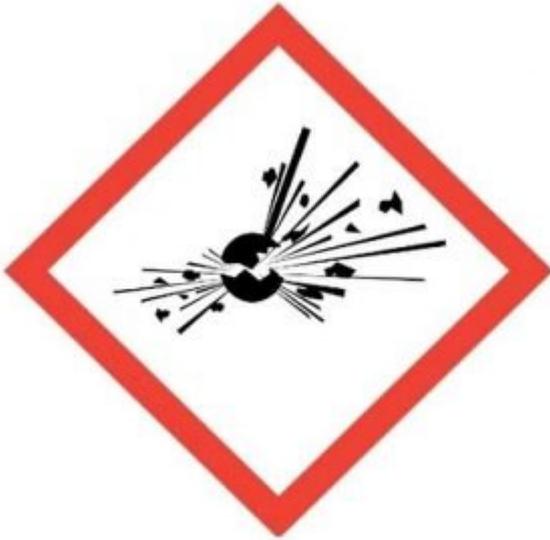


Some definitions:

- **equipment** = “machines, apparatus, fixed or mobile devices, control components and instrumentation thereof and detection or prevention systems which, separately or jointly, are intended for the generation, transfer, storage, measurement, control and conversion of energy and/or the processing of material and which are capable of causing an explosion through their own potential sources of ignition” (such as electrical appliances, reactors, reducers, internal combustion engines...);
- **protective systems** = “devices other than components of equipment which are intended to halt incipient explosions immediately and/or to limit the effective range of an explosion and

which are separately made available on the market for use as autonomous systems”;

- **potentially explosive atmosphere** = “atmosphere which could become explosive due to local and operational conditions”



Furthermore, the regulation is also effective with regards to all control, regulation and safety equipment that are not used in potentially explosive atmospheres, but which are necessary for the functioning of explosion safety supplies (such as breakage panel or non-return valve). The new Directive did not lead particular changes to the technical contents of the previous one (ATEX 94), but has deepened the obligations of the various figures involved in the production and marketing cycle of products intended to be installed in areas at risk of explosion, according to the new legislative framework (Decision 768/2008/EC).

Besides we go to describe some of the main changes made by the new Directive 2014/34/EU.

Extension of the definitions with addition of a New Regulatory Framework

The New Regulatory Framework was adopted by the Council on 9 July 2008 and published in the Official Journal on 13 August 2008. It introduces important changes concerning the free movement of goods in the European Union market as it reinforces the implementation of internal market legislation and improves supervisory rules in order to increase consumer protection. In detail, the new framework includes the following regulations and decisions:

- Regulation (EC) n. 764/2008, which establishes the procedures concerning the application of certain national technical rules to products marketed in another Member State;
- Regulation (EC) n. 765/2008, which sets rules on accreditation and market surveillance with regard to the marketing of products;
- Decision 768/2008/EC on a common framework for the marketing of products.



Description of economic operators and their obligations

The new ATEX Directive 2014/34/EU presents a detailed revision of the definitions and, in particular, specifies the differences between the various economic operators:

- **manufacturer** = “means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under his name or trademark or uses it for his own purposes”. Among other tasks, manufacturers shall ensure that products have been designed and manufactured in accordance with the essential health and safety requirements, draw up the technical documentation and an EU declaration of conformity, affix the CE marking and type/batch/serial number or other element to allow product identification;
- **authorised representative** = “means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks”. Among other, the mandate shall allow the authorised representative to keep the EU declaration of conformity and the technical documentation at the disposal of national market surveillance authorities;
- **importer** = “means any natural or legal person established within the Union who places a product from a third country on the Union market”. Among other tasks, importers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation and that the product bears the CE marking, where applicable, is accompanied by the EU declaration of conformity or the attestation of conformity and the required documents;
- **distributor** = “means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market”. Before placing a product on the market, in addition to the other obligations, they must verify the presence of the CE marking and the required documents; ensure that storage or transport conditions do not compromise products compliance with the essential health and safety requirements.

For more information, please read the complete Directive on the Official Journal.

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