

FAREGAZ POSITION PAPER – Marking prohibition for products not under the scope of Atex directive 94/9/EC and for simple apparatus

Taking into account what stated in official interpretation papers of European Commission, the scope of this document, UCR (Italian Association “Unione Costruttori di Regolatori”) wants to confirm some arguments related to application of the ATEX Directive 94/9/EC.

The manufacturer is required to undertake an ATEX analysis of the equipment to verify whether the directive 94/9/EC shall be applied. Only when, according to criteria at Chapter 4 of the Commission Guidance Notes to the ATEX Directive 94/9/EC, 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 94/9/EC as suitable for using into classified zones. (potentially explosive atmospheres)

Marking to the directive 94/9/EC for the equipment out from the scope of the directive 94/9/EC itself is forbidden because it could bring distortions of the market.

The suitability of equipment not covered by the directive 94/9/EC to be used in the in 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 94/9/EC is not applicable.

For instance "The non- electrical simple apparatus", included in the scope of ATEX 1 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.