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| <b>ExNB</b> | <b>Co-ordination of<br/>Notified Bodies Equipment<br/>for use in potentially explosive atmospheres<br/>on Council Directive<br/>94/9/EC (ATEX)</b> | <b>Clarification Sheet<br/>N° ExNB/10/397/CS</b> |
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| <b>Originator</b> |  | <b>Status:</b> | Initial proposal      | <b>Date:</b> | 2010-10-12 |
|                   |  |                | Responses/Final Draft | <b>Date:</b> | 2010-12-15 |

**A practical application of (the revised) 10.3 of the ATEX Guidelines**

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| <b>Authorised by Chairman:</b> | <b>Dr. Thedens</b> | <b>Date:</b>      | <b>2011-06-23</b>   |
| <b>Date of application:</b>    | <b>2011-06-23</b>  | <b>Signature:</b> |  |

According to (the revised) 10.3 of the ATEX Guidelines, it is the responsibility of the manufacturer to determine whether or not changes in the “state of the art” reflected in revisions of harmonised standards apply to his equipment<sup>1</sup>. The Notified Bodies have responsibilities to provide information to assist the manufacturer to make this decision. At all times, the contents of the Declaration of Conformity remain the responsibility of the manufacturer.

According to the decision as to whether or not changes in the “state of the art” are relevant, the following three cases relating to EC-Type Examination Certificates are particularly foreseen, although other outcomes may be possible:

**Case 1: Equipment certified to earlier standards where there are only changes classified as ‘Minor and editorial changes’**

- The manufacturer continues to use his existing certificate. It is still considered to demonstrate compliance with the EHSRs of the Directive.
- The EC Type Examination Certificate and the marking of equipment are not modified (for standards in the EN 50014 series, the marking remains “EEx” as the equipment does not necessarily comply with the standards EN 60079-0, etc.)

Note 1: Because the standards listed in the EC-Type Examination Certificate are no longer harmonised (and therefore have lost their automatic presumption of conformity with the EHSRs) it is necessary for the manufacturer to record the correct (changed) status of the standards in his Declaration of Conformity. Justification for fulfilling the EHSR is required. For example, this may take the form of a statement (if correct) that the revised (now harmonised) standards have been compared to the standards used for certification purposes and that no changes in the “state of the art” apply to the equipment.

Note 2: Under the situation of Case 1, the manufacturer also has the option to engage a Notified Body to carry out all examination and tests according to the revised standards, if he so chooses.

<sup>1</sup> An example of the standard modification list is shown in page 3

## **Case 2: Equipment certified to earlier standards where there are changes classified as ‘Extension’**

The manufacturer has the option to continue with the existing design (see case 2a) or to use the extension if this will be of advantage (see case 2b).

- Case 2a: The manufacturer can continue to use the existing EC-Type Examination Certificate without modification as the basis for a Declaration of Conformity, because the extension of requirements do not contract the former requirement but provides additional options which are not used.

Note 1: Because the standards listed in the EC-Type Examination Certificate are no longer harmonised (and therefore have lost their automatic presumption of conformity with the EHSRs) it is necessary for the manufacturer to record the correct (changed) status of the standards in his Declaration of Conformity. Justification for fulfilling the EHSR is required. For example, this may take the form of a statement (if correct) that the revised (now harmonised) standards have been compared to the standards used for certification purposes and that no changes in the “state of the art” apply to the equipment.

- Case 2b: If conformity with the extension of requirement is presumed, the manufacturer engages a Notified Body to carry out those examinations and tests according to the revised standards which are different from the standards mentioned on the existing EC-Type Examination Certificate. Upon confirming compliance, the Notified Body issues a statement or supplement to the existing EC-Type Examination Certificate, confirming compliance with the new harmonised standards. (In the case of change from the EN 50014 series of standards to EN 60079-0, etc., the marking may change from “EEx” to “Ex”.) The EC declaration of conformity, the instructions and the marking are updated to show compliance with the new harmonised standards.

Note 1: It should be noted, however, that the issuing of a new EC-Type Examination Certificate or a supplement to the existing EC-Type Examination Certificate will have no retroactive effect and, therefore, will not affect products placed on the market and/or put into service whilst the manufacturer was in possession, where appropriate, of a valid Certificate.

Note 2: Under the situation of Case 2b, the manufacturer also has the option to engage a Notified Body to carry out all examination and tests according to the revised standards, if he so chooses.

## **Case 3: Equipment certified to earlier standards where there is changes classified as ‘Major technical changes’ .**

- The manufacturer cannot continue to use the existing EC-Type Examination Certificate without modification as the basis for a Declaration of Conformity, as it no longer can be considered to confirm compliance with the EHSRs of the Directive.
- The manufacturer engages a Notified Body to carry out all examination and tests according to the revised standards which are different from the standards mentioned on the existing EC-Type Examination Certificate. Upon confirming compliance, the Notified Body issues a supplement to the existing or a new

EC-Type Examination Certificate, confirming compliance with the new harmonised standards.

- The EC Declaration of Conformity, the instructions and the marking shall be updated to refer only to the new standards and the new EC-Type Examination Certificate.

## Significant changes between this European Standard and the previous edition

Examples given by ExNB for some significant changes are as listed below.

|   | Type                        |           |                         |
|---|-----------------------------|-----------|-------------------------|
|   | Minor and editorial changes | Extension | Major technical changes |
| EN 60079-1:2004 15.1.2: New option for ambient temperatures lower than -20 °C   |                             | X         |                         |
| EN 60079-7:2007 5.3.7.3 / Annex H: End of the Lamp Life   |                             | X         |                         |
| EN 60079-0:2006 29: Change of Marking from “EEx” to “Ex”  | X                           |           |                         |
| EN 60079-11:2007 Annex F: New option for creepage and clearances  |                             | X         |                         |
| EN 60079-0:2006 29.8: Additional marking “WARNING”  | X                           |           |                         |
| EN 60079-0:2006 7.3.2: Avoidance of build-up of electrostatic discharge: <ul style="list-style-type: none"> <li>• For fixed equipment</li> <li>• For non-fixed equipment</li> </ul> |                             | X         | X                       |

**Complete details of significant changes between this European Standard and the previous edition are given in the ExNB 11-388 decision sheet.**