



Every two months, SGS Baseefa Technical Manager Ron Sinclair MBE gives his perspective on the latest developments in the world of standards.

**R**ather than try to deal with some of the more detailed changes being proposed for upcoming standards revisions, I thought it worthwhile to revisit the advice being given by the UK government about the continuing acceptability of CE marked ATEX certified equipment for installation in Great Britain.

# Brexit continues to amaze

It is, of course, important to remember that none of what follows is applicable in Northern Ireland, though there is always the possibility that will change as the Northern Ireland protocol is renegotiated.

The UK government maintains a reasonable "Statutory Guidance" document. Search for "Equipment for explosive atmospheres regulations" on gov.uk.

With tongue in cheek, I can say that the UK Guidelines might have to be statutory as, in one specific place, they do actually say the regulations are

incorrect and, until an amendment can be issued, say what the regulations should have said, and that the guidance, rather than the regulations, should be followed.

It is worth noting that the nearest equivalent document from the European Commission, in relation to ATEX, is just labelled "Guidance", and it does contain a lot more useful information in its 240 pages. Furthermore, although not put in writing, the UK Approved Bodies have been told that they should continue to use the ATEX Guidelines to assist in interpreting the UK Regulations.



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So, where are we with the continuing permission to sell into the GB market with CE marking and ATEX certificates? The critical cut-off time and date is now 23:00 on 31 December 2024. Products that have valid conformity with the ATEX Directive and are CE marked may be “placed on the GB market” until that time and, once on the market, may continue to circulate. Placing on the market does not necessarily imply the actual transfer of the physical product, but does require an appropriate paper trail, indicating an agreement to supply. The Declaration of Conformity should be an EU-Declaration, in support of the CE Marking (products that already have proven conformity with the UK Regulations and are UKCA Marked, should, of course, have a UK-Declaration of Conformity). From that date, a product placed on the market must have a UK-Declaration of Conformity, in accordance with the UK Regulations.

However, there is an additional period of leeway, during which the UK-Declaration may be based on existing ATEX conformity documentation. Furthermore, the product, itself, may continue to bear the CE Marking and, if relevant, an ATEX Certificate number. In this case, the packaging, and accompanying documentation should bear the UKCA marking. Conformity with the UK Regulations is self-declared, based on ATEX documentation that was current on 31 December 2024. The length of this period of leeway depends on several factors:

- There being no change to the product or its compliance documentation.
- There being no change in the harmonisation status of the standards used to demonstrate conformity.
- An ultimate end date of 31st December 2027.

For products where the manufacturer demonstrates compliance using “Internal Control of Production”, the manufacturer can control exactly when

documentation needs to be changed (including sending updated Technical Files for Category 2 non-electrical equipment to an Approved Body for retention).

It should also be noted that the EU has reduced the standard overlap period for harmonisation of new editions of standards from three years to 18 months, so this can be a factor to take into account.

For products that are the subject of an EU-Type Examination Certificate, and an EU Quality Assessment Notification (QAN), the applicable date determined is the earlier of the issue of a new edition of a certificate (whether for a technical change to the product or any other reason) or the re-issue of the QAN based on a routine audit.

Even if there are no changes to the EU-Type Examination Certificate, there will almost certainly be a new QAR issued during the maximum three-year period, so that it is almost impossible for an ATEX certified product to continue being placed on the market, using its ATEX documentation up to 31 December 2027.

Although the QAN route applies to the majority of products, theoretically the same problems might occur if the Product Verification route were to be used to verify batches of equipment that were not all sold at the same time.

It is important that manufacturers factor these issues into their decisions when to apply for UKEX certification to the UK Regulations, enabling UKCA Marking of the product. Remember that if the EU QAN is about to be renewed, a UK QAN will be required, moving forward, and that, as that is the first change in the conformity assessment documentation, it requires all the documentation to be changed to meet the UK Regulations from that point onward.

Provided that the scope of the EU QAN and UK QAN are to be identical (as will

normally be the case), the single audit will do to issue both documents. All UK Approved Bodies have partner EU Notified Bodies, so the process can be very simple. Even if the EU QAN is not with a UK Body or its partner, it will normally be possible for a UK Approved Body to accept the QA report from another EU Body. This is particularly easy if both bodies are operating their QA activities in accordance with the IECEx certification system, but can also be applied if not, although there may then be translation issues to be considered.

However, although the QAN may be easy and quick to deal with, there may be problems in relation to the EU-Type Examination Certificate. The first issue of a UK-Type Examination Certificate has to be based on standards in the current list of UK Designated Standards. This list may be identical to the current list of Harmonised Standards for ATEX, but not all current ATEX certificates are to current harmonised standards. Therefore a “standards update” may be required, which will incur additional resources.

The recommendation, therefore, is not to wait until the last minute, and possibly end up without a valid certificate having been issued, but make application for the UK-Type Examination Certificate a good time before it will be needed. ■

#### About the author

SGS Baseefa's Technical Manager Ron Sinclair MBE will continue to attend the European Notified Bodies Group for ATEX (ExNBG), although representing SGS Fimko, their partner EU Notified Body, now that the UK bodies are excluded, as well as attending the equivalent UK Approved Bodies Group in the UK. He has recently retired as Chair of the IECEx Service Facility Certification Committee and as a member of the IECEx Executive. He is chair of the UK Standards Committee operating in this area for electrical equipment, and recently retired as chair of the European committee.