
STATUTORY INSTRUMENTS

1995 No. 1186

HEALTH AND SAFETY

**The Electrical Equipment for Explosive Atmospheres
(Certification) (Amendment) Regulations 1995**

<i>Made</i>	- - - -	<i>1st May 1995</i>
<i>Laid before Parliament</i>		<i>2nd May 1995</i>
<i>Coming into force</i>	- -	<i>26th May 1995</i>

The Secretary of State, being the Minister designated(1), for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to measures for safety and consumer protection as respects electrical equipment and any provisions concerning the composition, labelling, marketing, classification or description of electrical equipment, in the exercise of the powers conferred on him by that section, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, extent, commencement and interpretation

1.—(1) These Regulations, which extend to Great Britain, may be cited as the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations 1995 and shall come into force on 26th May 1995.

(2) In these Regulations, “the principal Regulations” means the Electrical Equipment for Explosive Atmospheres (Certification) Regulations 1990(3).

Amendment to the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1)—

(a) at the end of the definition of “the First Specific Directive” there shall be added “and as further adapted to technical progress by Commission Directive 94/26/EC(4)”; and

(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) S.I. 1990/13; relevant amending instruments are S.I. 1990/2377 and S.I. 1991/2826.

(4) OJNo. L157, 24.6.94, p.33; Article 1 of and the Annex to this Directive replaced Annex I to the First Specific Directive.

- (b) at the end of the definition of “the Gassy Mines Directive” there shall be added “and as further adapted to technical progress by Commission Directive [94/44/EC\(5\)](#)”.
- (3) For regulation 12 of the principal Regulations⁽⁶⁾ there shall be substituted the following:

“Transitional provisions

12.—(1) Subject to paragraph (3) below, on or after the coming into force date of the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations 1995 (in this regulation referred to as “the effective date”), a manufacturer of electrical equipment may apply to a certification body (which has been appointed for the purpose set out in regulation 3(1)(a) of the unamended Regulations in respect of the electrical equipment for which the application is made) for a certificate of conformity attesting that the electrical equipment which is the subject of the application conforms to the harmonised standards prescribed for that equipment in the unamended Regulations; and in that case the provisions of the unamended Regulations, as appropriate, shall apply as if the application had been made under regulation 4 of those Regulations.

(2) Subject to paragraph (3) below, an application for a certificate of conformity made under regulation 4 or for review under regulation 7 of the unamended Regulations before the effective date shall continue to be dealt with under the unamended Regulations.

(3) No certificate of conformity shall be issued by a certification body under paragraph (1) or (2) above—

- (a) in respect of electrical equipment to which the Framework Directive applies, after 29th February 1996; or
- (b) in respect of electrical equipment to which the Gassy Mines Directive applies, after 31st December 1996.

(4) Subject to regulation 6 and without prejudice to paragraph (5) below, a certificate of conformity issued in accordance with the unamended Regulations—

- (a) before 1st March 1996 in respect of electrical equipment to which the Framework Directive applies; or
- (b) before 1st January 1997 in respect of electrical equipment to which the Gassy Mines Directive applies,

irrespective of whether such certificate was issued before, on or after the effective date, shall be regarded as in force for the purposes of regulation 11 (use of the distinctive Community mark) up to and including 30th June 2003.

(5) Subject to regulation 6, a certificate of conformity issued before 1st January 1993 in accordance with regulation 12 of the unamended Regulations applying the harmonised standards in force immediately before 31st December 1991 shall be regarded as in force for the purposes of regulation 11 up to and including 30th June 2003.

(6) In this regulation “the unamended Regulations” means these Regulations as in force immediately before the effective date.”

(5) OJ No. L248, 23.9.94, p.22; Article 1 of and the Annex to this Directive replaced Annex A of the Gassy Mines Directive.

(6) Regulation 12 was inserted into the principal Regulations by regulation 2(3) of S.I. [1991/2826](#).

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1st May 1995

Ian Taylor
Parliamentary Under Secretary of State for Trade
and Technology,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make further amendments to the Electrical Equipment for Explosive Atmospheres (Certification) Regulations 1990 (“the principal Regulations”) to give effect, in Great Britain, to the provisions of Commission Directives [94/26/EC](#) and [94/44/EC](#) which respectively adapt to technical progress:

- (a) Council Directive [79/196/EEC](#) (“the First Specific Directive”) concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection; and
- (b) Council Directive [82/130/EEC](#) (“the Gassy Mines Directive”) concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp.

2. The principal Regulations enable a manufacturer to apply to an appropriate certification body appointed under those Regulations for a certificate of conformity attesting that the electrical equipment, the subject of the application, conforms to the harmonised standards as defined in those Regulations. Regulation 2(2) of these Regulations extends the definitions of the First Specific Directive and the Gassy Mines Directive in the principal Regulations bringing into effect updated harmonised standards.

3. Regulation 2(3) substitutes a new regulation 12 in the principal Regulations (transitional provisions).

- (a) Paragraph (1) enables a manufacturer of electrical equipment which applies to a certification body for a certificate of conformity to have that equipment certified by reference to the harmonised standards in the principal Regulations which are in force immediately before the coming into force of these Regulations (in these Regulations referred to as “the unamended Regulations”). In that case the application is treated as if it had been made under the unamended Regulations. Paragraph (2) provides that applications for a certificate of conformity or for review before the coming into force of these Regulations shall continue to be dealt with under the unamended Regulations.
- (b) However, a certification body may not issue a certificate of conformity under either paragraph (1) or (2) after 29th February 1996 in respect of electrical equipment to which the Framework Directive applies or after 31st December 1996 in the case of electrical equipment to which the Gassy Mines Directive applies. (Paragraph (3)).
- (c) Paragraph (4) provides that certificates of conformity issued before 1st March 1996 in respect of electrical equipment to which the Framework Directive applies or before 1st January 1997 in respect of electrical equipment to which the Gassy Mines Directive applies, irrespective of whether they were issued before or after the coming into force of these Regulations shall be regarded as in force for the purposes of regulation 11 (use of distinctive Community mark), subject to regulation 6 (withdrawal of certificate), until 1st July 2003.
- (d) Paragraph (5) preserves the position in respect of certificates of conformity issued in accordance with regulation 12 (transitional provision) of the unamended Regulations but includes provisions similar to those in paragraph (4) as regards the effectiveness of such certificates until 1st July 2003.

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