
STATUTORY INSTRUMENTS

1996 No. 192

**The Equipment and Protective Systems Intended for Use
in Potentially Explosive Atmospheres Regulations 1996**

**PART I
PRELIMINARY**

Interpretation

2.—(1) In these Regulations—

- (a) the “ATEX Directive” means Directive [94/9/EC](#) of the European Parliament and the Council on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres⁽¹⁾; and
- (b) except for the references to the European Communities in the definition of “the Commission” and in relation to the Official Journal, a reference to the Community includes a reference to the EEA, and a reference to a member State includes a reference to an EEA State: for the purposes of this sub-paragraph—
 - (i) the “EEA” means the European Economic Area;
 - (ii) an “EEA State” means a State which is a Contracting Party to the EEA Agreement⁽²⁾; and
 - (iii) the “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.⁽³⁾

(2) In these Regulations, unless the context otherwise requires—

- “CE marking” or “CE conformity marking” is a reference to a marking consisting of the initials “CE” in the form shown in Schedule 2 hereto;
- “the Commission” means the Commission of the European Communities;
- “component” has the meaning given by regulation 3(2)(d) below;
- “devices” and “devices referred to in Article 1(2)” have the meaning given by regulation 3(2)(c) below;
- “enforcement authority” means the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974⁽⁴⁾;
- “essential health and safety requirements” means the requirements in Annex II of the ATEX Directive which is set out in Schedule 3 hereto;

(1) OJNo. L100, 19.4.94, p. 1.

(2) The EEA Agreement came into force in relation to Liechtenstein on 1st May 1995 (OJ No. L86, 20.4.95, p. 58).

(3) The application of the ATEX Directive was extended to the EEA from 1st December 1994 by virtue of Decision 14/94 of the EEA Joint Committee (OJ No. L325, 17.12.94, p. 65) which inserted a reference to that Directive at point 7A in Chapter X of Annex II to the EEA Agreement.

(4) 1974 c. 37.

“equipment” has the meaning given by regulation 3(2)(a) below;

“equipment-category” and “category” in relation to an equipment-group shall be construed by reference to the criteria set out in Annex I of the ATEX Directive which is set out in Schedule 4 hereto;

“equipment group I” means equipment intended for use in underground parts of mines, and to those parts of surface installations of such mines, liable to be endangered by firedamp and/or combustible dust;

“equipment group II” means equipment intended for use in places, other than those which are specified for equipment group I, liable to be endangered by explosive atmospheres;

“explosive atmosphere” and “potentially explosive atmosphere” shall be construed respectively in accordance with regulation 3(2)(f) and (g) below;

“harmonized standard” means a technical specification adopted by the European Committee for Standardisation or the European Committee for Electrotechnical Standardisation or both, upon a mandate from the Commission in accordance with Council Directive 83/189/EEC of 28th March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽⁵⁾, and of which the reference number is published in the Official Journal of the European Communities;

“intended use” shall be construed in accordance with regulation 3(2)(e) below;

“notified body” shall be construed in accordance with regulation 11 below;

“protective systems” has the meaning given by regulation 3(2)(b) below;

“relevant essential health and safety requirements” in relation to equipment, a protective system or device means those provisions of the essential health and safety requirements which are applicable to that particular equipment, protective system or device, account being taken of its intended use;

“responsible person” means, in relation to equipment, a protective system, device or component,

- (a) the manufacturer of that equipment, protective system, device or component;
- (b) the manufacturer’s authorized representative established in the Community; or
- (c) where the manufacturer is not established in the Community and either—
 - (i) he has not appointed an authorized representative established in the Community; or
 - (ii) his authorized representative established in the Community is not the person who places that equipment, protective system, device or component on the market, the person who places it on the market in the community;

“safe” in relation to equipment, a protective system or a device means that, when properly installed and maintained and used for its intended purpose, it does not endanger the health and safety of persons and, where appropriate, domestic animals or property and cognate expressions shall be construed accordingly;

“standard” or “standard referred to in Article 5” means a technical specification approved by a recognised standardising body for repeated or continuous application, with which compliance is not compulsory: and, for the avoidance of doubt, this definition includes a harmonized standard or a transposed harmonized standard;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply and cognate expressions shall be construed accordingly; and

(5) OJ No. L109, 26.4.83, p. 8. Council Directive 83/189/EEC was amended by Council Directive 88/182/EEC (OJ No. L81, 26.3.88, p. 75), Commission Decision 92/400/EEC (OJ No. L221, 6.8.92, p. 55) and Directive 94/10/EC of the European Parliament and the Council (OJ No. L100, 19.4.94, p. 30).

“transposed harmonized standard” means a national standard of a member State which transposes a harmonized standard.