

STATUTORY INSTRUMENTS

2016 No. 1107

**The Equipment and Protective Systems Intended for Use
in Potentially Explosive Atmospheres Regulations 2016**

PART 6

Miscellaneous

Review

- 71.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other Member States.
- (3) The report must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published no later than 5 years after the commencement date.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

Commencement Information

II Reg. 71 in force at 8.12.2016, see [reg. 1\(1\)](#)

Transitional provisions

72.—(1) A certificate issued, or approval granted, by a notified body under Schedule 6 to the 1996 Regulations, or any enactment of another Member State which implemented the 1994 Directive, is to be treated as a certificate issued or approval granted under the ATEX Directive.

^{F1}(2)

F1 [Reg. 72\(2\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 25 para. 33](#) (with [Sch. 25 para. 34](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Commencement Information

I2 Reg. 72 in force at 8.12.2016, see [reg. 1\(1\)](#)

[^{F2}Transitional provision in relation to EU Exit

72A.—(1) In this regulation—
“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day;

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 25 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the market in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 38 as it had effect immediately before IP completion day in relation to that product,

that action has effect as if it had been done under regulation 38 as it had effect on and after IP completion day.

[
^{F3}(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 13 of the ATEX Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 39.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]]

F2 Reg. 72A inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 25 para. 34](#) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [S.I. 2020/852](#), regs. 2(2), 4(2), [Sch. 1 para. 1\(n\)\(vi\)](#))

F3 Reg. 72A(5)(6) inserted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), [16\(2\)](#)

Revocations and savings

73.—(1) Subject to paragraph (3) [^{F4}and (3A)], the 1996 Regulations, the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres (Amendment)

Regulations 2001(1) and the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres (Amendment) Regulations 2005(2) are revoked.

(2) The Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations 1999(3) are revoked.

[^{F5}(3) Subject to the modifications made in paragraph (3A), the Regulations referred to in paragraph (1) continue to apply, as if they had not been revoked, to a product placed on the market before the commencement date.]

[^{F6}(3A) The modifications in the 1996 Regulations referred to in paragraph (3) are as follows—

- (i) any reference to “the Community” shall be read as including the United Kingdom;
- (ii) any reference to “member State” shall be read as including the United Kingdom;
- (iii) any reference to “notified body” shall be read as “approved body” as defined in the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016.]

- F4** Words in reg. 73(1) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 35(a)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Reg. 73(3) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 35(b)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Reg. 73(3A) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 35(c)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I3** Reg. 73 in force at 8.12.2016, see **reg. 1(1)**

Consequential Amendments

74.—(1) In paragraph 1 of Schedule 3 to the Dangerous Substances and Explosive Atmospheres Regulations 2002(4) for “the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 1996” substitute “the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016”.

(2) In relation to a product placed on the market before the commencement date, the amendments in paragraph (1) do not apply.

Commencement Information

- I4** Reg. 74 in force at 8.12.2016, see **reg. 1(1)**

(1) S.I. 2001/3766.
(2) S.I. 2005/830.
(3) S.I. 1999/2550.
(4) S.I. 2002/2776.

Changes to legislation:

There are currently no known outstanding effects for the The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016, PART 6.