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STATUTORY INSTRUMENTS

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**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.

**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.

(2) Regulation 2(6) has no effect until the entry into force of any amendment made to Annex II (technical regulations, standards, testing and certification) to the EEA Agreement by a Decision of the EEA Joint Committee, inserting a reference to the Directive into that Annex.

**Revocations and savings**

**73.**—(1) Subject to paragraph (3), 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<sup>(2)</sup> are revoked.

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

(3) The enactments referred to in paragraph (1) continue to apply, as if they had not been revoked, to a product placed on the market or put into service before the commencement date.

### **Consequential Amendments**

74.—(1) In paragraph 1 of Schedule 3 to the Dangerous Substances and Explosive Atmospheres Regulations 2002<sup>(4)</sup> 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.

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