



# Evolution of the ATEX Directive

## NEW ATEX DIRECTIVE 2014/34/EU

In February 2014, the European Parliament and Council issued a new ATEX Directive aligned to the New Legislative Framework (NLF). This new ATEX Directive 2014/34/EU will be applicable from 20 April 2016 alongside other CE Marking directives including the Low Voltage Directive and the ATEX Directive.

The existing ATEX Directive 94/9/EC will be repealed upon implementation of Directive 2014/34/EU and hence its requirements will no longer apply after 20 April 2016. There is no transition period for the new Directive.

All manufacturers, distributors and importers must apply the new Directive from 20 April 2016 and all of their regulatory documentation, including the new EU Declaration of Conformity, must be prepared accordingly.



## THE KEY CHANGES TO THE ATEX DIRECTIVE

There are no significant changes introduced within the new ATEX Directive. The main technical change is the requirement for all manufacturers to conduct and document an ATEX risk assessment prior to applying for certification and issue of their EU Declaration of Conformity.

Whilst administrative in nature, one of the most obvious changes will be that under the new ATEX Directive 2014/34/EU, all EC Type Examination Certificates will be called EU Type Examination Certificates.

The ATEX Guidelines will be re-published for the new Directive. This will be implemented in a new and expanded format with a resulting document more like that currently used for the Machinery Directive and running to around 230 pages in length.

All certificates (EC Type, Unit Verification and Type Test) and Quality Assurance Notifications (QAN) issued under ATEX Directive 94/9/EC remain legally valid under the new ATEX Directive and there is no need to

have these upgraded to 2014/34/EU. Element will automatically upgrade these documents when certificate holders apply for a variation or change. Note that there will be no change to the certificate number or equipment marking when an upgrade occurs.

Alongside the other directives affected by the New Legislative Framework, the new ATEX Directive clarifies the obligations and responsibilities of the various economic operators. These include manufacturers, authorized representatives, distributors and importers. The new or enhanced requirements for importers include ensuring that their name and contact address is affixed to the equipment or packaging for ease of traceability.

## IMPLEMENTING THE CHANGES IN YOUR COMPANY

For all ATEX Directive users, your “EC Declaration of Conformity” will become an “EU Declaration of Conformity” on 20 April 2016. The new declaration must reference the new ATEX Directive and any other directives that apply.

There is no need to update existing ATEX Certificates because they remain valid under the new Directive. However, if for commercial reasons you do have an immediate need to have a certificate updated to the new Directive then please contact us to assist with this process.

## ATEX NOTIFIED BODY

Element has already been assessed for transfer of our notification from the current to the new ATEX Directive on 20 April 2016. We will thus be able to issue ATEX EU Type Examination Certificates from 20 April 2016. The European Commission has ruled that there will not be any active Notified Bodies under the new ATEX Directive until this date.

## TECHNICAL DOCUMENTATION

Element’s engaged experts can help review your regulatory documentation for conformity with the new requirements including the technical file and EU Declaration of Conformity. Please contact us for further information on our Early Stage Qualification services.

## CONTACT ELEMENT

For further information on the new ATEX Directive please contact one of our engaged experts:

T: +44 (0)1695 556666

E: [info.skeldersdale@element.com](mailto:info.skeldersdale@element.com)

[www.element.com](http://www.element.com)