POSITION PAPER

CEIR's comments regarding New Legislative Framework implementation: new ATEX, Pressure Equipment, Low Voltage and Electromagnetic Compatibility Directives

Date: Brussels, 04 September 2015
Referring to: Directives (EU) 2014/34, 2014/35, 2014/30 and 2014/65
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The manufacturers of equipment covered by the "NLF" Directives may declare the conformity to the binding version of the Directives.

In 2014, several "New Approach" Directives were recast, under the following numbers:

- ATEX: 2014/34/EU – published on 29 March 2014
- Low Voltage: 2014/35/EU – published on 29 March 2014
- Electromagnetic Compatibility: 2014/30/EU – published on 29 March 2014
- Pressure Equipment: 2014/68/EU – published on 27 June 2014

The goal of the recast is to adapt the Directives to a set of European rules and procedures, introduced in 2008 by the "New Legislative Framework – NLF". The implied changes are mainly administrative and impact mostly the Notified Bodies.

The provisions concerning the putting on the market of products in the recast versions of the Directives will apply in 2016[i] only. However, industrial considerations imply that a "over the night" change is purely impossible. Thus, considering that essential requirements on equipment remain unchanged, it is clear that products which complied with the "old" Directives will still comply with the "new" Directives. In a view to minimize the valueless administrative burden on industrials, CEIR considers that taps and valves manufacturers can refer to the "old" and "new version" of the Directives in the declaration of conformity (DoC), provided the dates to consider are clearly stated (see example hereafter). Obviously, manufacturers may also, if they have the possibility, refer to the "old" version of the Directives until the limit date and make the switch to the new number immediately after.

Some conformity assessment procedures can imply third party certificates. In that case, the article 41 of Directive 2014/34/EU and the article 48 of Directive 2014/68/EU clearly state that existing certificates remain valid. Consequently, it is possible that an ATEX equipment is supplied with a DoC to Directive 2014/34/EU while having a certificate according to Directive 94/9/EC or that a pressure equipment is supplied with a DoC to Directive 2014/68/EU while having a certificate according to Directive 97/23/EC. On the contrary, a Notified Body will only be able to provide a certificate according to 2014/34/EU or 2014/68/EU when it is actually notified by its Member State to this specific Directive, and, in all cases, not before the application date of the Directives[ii].

The European Association for the Taps and Valves Industry (CEIR) was formed in 1959 as the European federation of national manufacturer associations. CEIR gathers together a large number of European manufacturers in the field of valves and fittings. CEIR supports the principles of a free economy and private enterprise in Europe as well as on a global basis. CEIR represents the common economic, technical and scientific interests of the European valve industries, in particular towards international authorities and economic and commercial circles.

[i] Directives 2014/30, 2014/34 & 2014/35: 20 April 2016, Directive 2014/68: 19 July 2016.
[ii] The list of Notified Bodies by Directive number can be found on the NANDO website from the European Commission.

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EU DECLARATION OF CONFORMITY (N°1) - Example

ABC VALVE RANGE

We, the company,

XXYYZZ
Address

Declare under our sole responsibility that the ABC valve range

1.

Is conform to the requirements of the Pressure Equipment Directive

Until 18 July 2016	From 19 July 2016
Directive 97/23/EC	Directive 2014/68/EU

The following harmonised standards have been used:
ENxxx, ENyyy…

The conformity assessment procedure is module H. This assessment was conducted by the Notified Body (Name, Number, Address), which issued the certificate n°xxx.

2.

Is conform to the requirements of the ATEX Equipment Directive

Until 19 April 2016	From 20 April 2016
Directive 94/9/EC	Directive 2014/34/EU

The following harmonised standards have been used:
ENzzz, ENaaa…

The Notified Body (Name, Number, Address) conducted the EU-type examination, approved the quality assurance system. They issued the certificate n°xxx.
Other information as required by harmonised standards (category, zone, protection mode).

Signed for and on behalf of:
(date, place)(name, function)(signature)

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