


<b>ExNB</b>	<b>Co-ordination of Notified Bodies Equipment for use in potentially explosive atmospheres on Council Directive 94/9/EC (ATEX)</b>	<b>Clarification Sheet N° ExNB/09/323/CS</b>
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<b>Status:</b>	<b>Step*5.2.1</b>	<b>Question</b>	<b>Originator</b>		<b>Date:</b>	07-11-27
	<b>Step*5.2.3</b>	<b>Initial proposal</b>	<b>Proposer:</b>		<b>Date:</b>	07-11-27
	<b>Step*5.2.4</b>	<b>Responses/Final Draft</b>			<b>Date:</b>	08-11-28

*\*Step refers to ExNB Rules, mentioned in draft only if not approved*

**A practical application of (the revised) 10.3 of the ATEX Guidelines**

<b>Authorised by Chairman:</b>	<b>Dr. Thedens</b>	<b>Date:</b>	<b>28-02-09</b>
<b>Date of application:</b>	<b>28-02-09</b>	<b>Signature:</b>	

According to (the revised) 10.3 of the ATEX Guidelines, it is the responsibility of the manufacturer to determine whether or not changes in the “state of the art” reflected in revisions of harmonised standards apply to his equipment<sup>1</sup>. The Notified Bodies have responsibilities to provide information to assist the manufacturer to make this decision. At all times, the contents of the Declaration of Conformity remain the responsibility of the manufacturer.

According to the decision as to whether or not changes in the “state of the art” are relevant, the following three cases relating to EC-Type Examination Certificates are particularly foreseen, although other outcomes may be possible:

**Case 1: Equipment certified to earlier standards where there is only minor and editorial changes, not considered to be a relevant modification to “state of the art”.**

- The manufacturer continues to use his existing certificate. It is still considered to demonstrate compliance with the EHSRs of the Directive.
- The EC Type Examination Certificate and the marking of equipment are not modified (for standards in the EN 50014 series, the marking remains “EEEx” as the equipment does not necessarily comply with the standards EN 60079-0, etc.)

Note 1: Because the standards listed in the EC-Type Examination Certificate are no longer harmonised (and therefore have lost their automatic presumption of conformity with the EHSRs) it is necessary for the manufacturer to record the correct (changed) status of the standards in his Declaration of Conformity. Justification for fulfilling the EHSR is required. For example, this may take the form of a statement (if correct) that the revised (now harmonised) standards have been compared to the standards used for certification purposes and that no changes in the “state of the art” apply to the equipment.

<sup>1</sup> An example of the standard modification list is shown in page 3

<b>Subject:</b>	<b>Directive, 94/9/EC Article No.</b>	
	<b>Directive, ESR No.</b>	
	<b>Directive, Module Annex No.</b>	
	<b>Standard, No.</b>	<b>General</b>

Note 2: Under the situation of Case 1, the manufacturer also has the option of following the methodology of Case 2 or Case 3, if he so chooses.

**Case 2: Equipment certified to earlier standards where there is extension of requirement considered to be a relevant modification to “state of the art”.**

- The manufacturer cannot continue to use the existing EC-Type Examination Certificate without modification as the basis for a Declaration of Conformity, as it no longer can be considered to confirm compliance with the EHSRs of the Directive.
- The manufacturer engages a Notified Body to carry out all examination and tests according to the revised standards which are different from the standards mentioned on the existing EC-Type Examination Certificate. Upon confirming compliance, the Notified Body issues a statement or supplement to the existing EC-Type Examination Certificate, confirming compliance with the new harmonised standards. (In the case of change from the EN 50014 series of standards to EN 60079-0, etc., the marking may change from “EEx” to “Ex”.)
- The EC declaration of conformity, the instructions and the marking are updated to show compliance with the new harmonised standards.

Note 1: Case 2 would normally be followed if the manufacturer requests consideration by the Notified Body of a small technical change to the equipment.

Note 2: Under the situation of Case 2, the manufacturer also has the option of following the methodology of Case 3, if he so chooses.

**Case 3: Equipment certified to earlier standards where there is substantial change regarding EHSR’s considered to be a substantial relevant modification to “state of the art”.**

- The manufacturer cannot continue to use the existing EC-Type Examination Certificate without modification as the basis for a Declaration of Conformity, as it no longer can be considered to confirm compliance with the EHSRs of the Directive.
- The manufacturer engages a Notified Body to carry out all examination and tests according to the revised standards which are different from the standards mentioned on the existing EC-Type Examination Certificate. Upon confirming compliance, the Notified Body issues a supplement to the existing or a new EC-Type Examination Certificate, confirming compliance with the new harmonised standards.
- The EC Declaration of Conformity, the instructions and the marking shall be updated to refer only to the new standards and the new EC-Type Examination Certificate.

**Example for the information given by CLC/TC31**

**Annex ZY**  
(informative)

**Significant changes between this European Standard and the previous edition**

The significant changes with respect to EN 60079-0:2006 are as listed below.

	Type		
	Minor and editorial changes	Extension	Substantial change regarding ESR's
Requirements for explosive dust atmospheres transferred from EN 61241-0		X	
The marking Group "II" alone has been replaced by "IIA", "IIB" or "IIC" as many of the enclosure requirements are now aligned with a specific sub-group		X	
Dust groups defined as Group IIIA, IIIB, & IIIC		X	
Limits for ultrasonic and electromagnetic radiation introduced		X	
Remainder of "electrostatic" requirements transferred from EN 60079-26		X	
Equipment protection levels (EPL) introduced		X	
Transition of term from "apparatus" to "equipment" (where appropriate)	X		
ESR = Essential Health and Safety Requirements (Annex II of Directive 94/9/EC)			

**General conclusion on the change of the State of the Art by this standard**

CENELEC/TC 31 as the responsible committee has concluded that this new edition does not significantly change the level of safety of explosion protected electrical equipment.