

---

STATUTORY INSTRUMENTS

---

**2016 No. 1107**

**HEALTH AND SAFETY**

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

*Made - - - - 15th November 2016*  
*Laid before Parliament 16th November 2016*  
*Coming into force 8th December 2016*

**THE EQUIPMENT AND PROTECTIVE SYSTEMS  
INTENDED FOR USE IN POTENTIALLY  
EXPLOSIVE ATMOSPHERES REGULATIONS 2016**

PART 1

1. Citation, commencement and extent
2. Interpretation
3. Scope
4. Exceptions for trade fairs, exhibitions and demonstrations

PART 2

Chapter 1

5. Design and manufacture in accordance with essential health and safety requirements
6. Technical documentation and conformity assessment
7. EU declaration of conformity and CE marking
8. Retention of technical documentation and EU declaration of conformity
9. Compliance procedures for series production
10. Monitoring
11. Labelling and packaging of products
12. Labelling and packaging of products, other than components
13. Information identifying manufacturer
14. Instructions and safety information

*Status: This is the original version (as it was originally made).*

15. Duty to take action in respect of a product placed on the market which is considered not to be in conformity
16. Provision of information and cooperation
17. Authorised representatives

## Chapter 2

18. Prohibition on placing on the market products which are not in conformity
19. Requirements which must be satisfied before an importer places a product on the market
20. Prohibition on placing on the market products considered not to be in conformity with the essential health and safety requirements
21. Information identifying importer
22. Instructions and safety information
23. Storage and transport
24. Monitoring
25. Duty to take action in respect of a product placed on the market which is considered not to be in conformity
26. Provision of information and cooperation
27. Retention of technical documentation and EU declaration of conformity

## Chapter 3

28. Duty to act with due care
29. Requirements which must be satisfied before a distributor makes a product available on the market
30. Storage and transport
31. Prohibition on making available on the market where product not considered to be in conformity with safety objectives
32. Duty to take action in respect of products made available on the market which are not in conformity
33. Provision of information and cooperation

## Chapter 4

34. Cases in which obligations of manufacturers apply to importers and distributors

## Chapter 5

35. Identification of economic operators
36. Prohibition on improper use of CE marking
37. Translation of declaration of conformity

## PART 3

38. Presumption of conformity
39. Conformity assessment procedures
40. EU declaration of conformity

41. CE Marking

PART 4

- 42. Notified Bodies
- 43. Presumption of conformity of notified bodies
- 44. Notification
- 45. Contents of Notification
- 46. Monitoring
- 47. United Kingdom Accreditation Service
- 48. Changes to notifications
- 49. Operational obligations of notified bodies
- 50. Subsidiaries and contractors

PART 5

- 51. Designation of market surveillance authority
- 52. Enforcement
- 53. Enforcement powers
- 54. Exercise of enforcement powers
- 55. Evaluation of a product presenting a risk
- 56. Enforcement action in respect of products which are not in conformity and which present a risk
- 57. EU safeguard procedure
- 58. Enforcement action in respect of products which are in conformity, but present a risk
- 59. Enforcement action in respect of formal non-compliance
- 60. Restrictive measures
- 61. Offences
- 62. Penalties
- 63. Defence of due diligence
- 64. Liability of persons other than principal offender
- 65. Time limit for prosecution of offences
- 66. Service of documents
- 67. Recovery of expenses of enforcement
- 68. Action by the market surveillance authority
- 69. Appeals against notices
- 70. Appropriate court for appeals against notices

PART 6

- 71. Review
- 72. Transitional provisions
- 73. Revocations and savings
- 74. Consequential Amendments  
Signature

*Status: This is the original version (as it was originally made).*

*ESSENTIAL HEALTH AND SAFETY REQUIREMENTS RELATING TO THE DESIGN AND CONSTRUCTION OF EQUIPMENT AND PROTECTIVE SYSTEMS INTENDED FOR USE IN POTENTIALLY EXPLOSIVE ATMOSPHERES (Annex II of the ATEX Directive)*

1. Preliminary observations

*COMMON REQUIREMENTS FOR EQUIPMENT AND PROTECTIVE SYSTEMS*

***General requirements***

2. Principles of integrated explosion safety
3. Special checking and maintenance conditions
4. Surrounding area conditions
5. Marking
6. Instructions
7. Selection of materials
8. Design and construction
9. Enclosed structures and prevention of leaks
10. Dust deposits
11. Additional means of protection
12. Safe opening
13. Protection against other hazards
14. Overloading of equipment
15. Flameproof enclosure systems

*POTENTIAL IGNITION SOURCES*

16. Hazards arising from different ignition sources
17. Hazards arising from static electricity
18. Hazards arising from stray electric and leakage currents
19. Hazards arising from overheating
20. Hazards arising from pressure compensation operations
21. Hazards arising from external effects
22. Requirements in respect of safety-related devices
23. Control and display units
24. Requirements in respect of devices with a measuring function for explosion protection
25. Risks arising from software
26. Integration of safety requirements relating to the system
27. Hazards arising from power failure
28. Hazards arising from connections
29. Placing of warning devices as parts of equipment

*SUPPLEMENTARY REQUIREMENTS IN RESPECT OF EQUIPMENT*

***Requirements applicable to equipment in equipment - group I***

30. Requirements applicable to equipment in category M 1 of equipment-group I
31. Requirements applicable to equipment in category M 2 of equipment-group I

***Requirements applicable to equipment in category 1 of equipment - group II***

32. Explosive atmospheres caused by gases, vapours or mists

33. Explosive atmospheres caused by air and dust mixtures

***Requirements applicable to equipment category 2 of equipment - group II***

34. Explosive atmospheres caused by gases, vapours or mists
35. Explosive atmospheres caused by air and dust mixtures

***Requirements applicable to equipment category 3 of equipment – group II***

36. Explosive atmospheres caused by gases, vapours or mists
37. Explosive atmospheres caused by air and dust mixtures

***Supplementary requirements in respect of protective systems***

38. General requirements

*Planning and design*

39. Characteristics of materials
40. Pressure-relief systems
41. Explosion suppression systems
42. Explosion decoupling systems
43. Protective systems must be capable of being integrated into a...

**SCHEDULE 2 — Notified body requirements**

1. A conformity assessment body must be established in Great Britain...
2. A conformity assessment body must be a third party body...
3. A body belonging to a business association or professional federation...
4. (1) A conformity assessment body, its top level management and...
5. A conformity assessment body, its top level management and the...
6. A conformity assessment body, its top level management and the...
7. A conformity assessment body must ensure that the activities of...
8. A conformity assessment body and its personnel must carry out...
9. A conformity assessment body must be capable of carrying out...
10. A conformity assessment body must have —
11. A conformity assessment body must have the means necessary to...
12. The personnel responsible for carrying out conformity assessment activities must...
13. A conformity assessment body must be able to demonstrate the...
14. The remuneration of the top level management and the personnel...
15. A conformity assessment body must have, and must satisfy the...
16. A conformity assessment body must ensure that its personnel observe...
17. Paragraph 16 does not prevent the personnel from providing information...
18. A conformity assessment body must participate in, or ensure that...

**SCHEDULE 3 — Operational obligations of notified bodies**

1. A notified body must carry out conformity assessments in accordance...
2. A notified body must carry out conformity assessments in a...
3. A notified body must perform its activities taking due account...
4. A notified body must respect the degree of rigour and...
5. Where a notified body finds that essential health and safety...
6. Where, in the course of the monitoring of conformity following...
7. Where the notified body has required a manufacturer to take...
8. Paragraph 9 applies where a notified body is minded to—...
9. Where this paragraph applies, the notified body must—

**Status:** This is the original version (as it was originally made).

10. A notified body must inform the Secretary of State of—...
11. A notified body must make provision in its contracts with...
12. A notified body must provide other bodies notified under the...
13. A notified body must participate in the work of any...
14. A notified body must— (a) acknowledge receipt of the technical...

SCHEDULE 4 — Enforcement powers of the Health and Safety Executive and the Office for Nuclear Regulation under the 1974 Act

1. Enforcement powers under the 1974 Act
2. Modifications to the 1974 Act

SCHEDULE 5 — Compliance, withdrawal and recall notices

1. Compliance notice
2. Withdrawal notice
3. Recall notice
4. Interpretation

SCHEDULE 6 — EU Declaration of Conformity (No. XXXX)

1. Product model/product (product, type, batch or serial number):
2. Name and address of manufacturer and, where applicable, the authorised...
3. This declaration of conformity is issued under the sole responsibility...
4. Object of the declaration (identification of product allowing traceability; it...
5. The object of the declaration described above is in conformity...
6. References to the relevant harmonised standards used or references to...
7. Where applicable, the notified body (name, number) performed (description of...
8. Additional information: Signed for and on behalf of: (place and...

Explanatory Note