
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations transpose [Directive 2014/34/EU](#) of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (recast) (OJ L 96, 29.3.2014, p.309) (“the Directive”).

2. The Directive repeals and replaces [Directive 94/9/EC](#) of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 100, 19.4.1994, p.1) which was implemented in Northern Ireland by the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 1996 (S.R. 1996 No. 247) (as amended) (“the 1996 Regulations”). These Regulations revoke and replace the 1996 Regulations.

3. Regulation 3 defines a “product” for use within potentially explosive atmospheres or for incorporation into equipment and protective systems. Regulation 4 provides an exception, allowing the use of a product which is not in conformity with Part 2, for the purposes of trade fairs, exhibitions and demonstrations.

4. Part 2 sets out the obligations of economic operators. Regulations 5 to 17 set out the obligations specific to manufacturers. These obligations include ensuring that a product has been designed and manufactured in accordance with the essential health and safety requirements set out in Schedule 1, taking action where products are not in conformity, having a relevant conformity assessment procedure carried out, affixing the CE marking, obligations to retain technical documentation, appointment of authorised representatives and product requirements.

5. Regulations 18 to 27 set out the obligations that are specific to importers. These obligations include ensuring that importers are not placing on the market products which are not in conformity with the essential health and safety requirements and taking action where they are not, checking that the manufacturer has carried out a relevant conformity assessment procedure and labelled the products correctly, ensuring storage and transport conditions do not jeopardise conformity with essential health and safety requirements and product monitoring obligations.

6. Regulations 28 to 33 set out the obligations that are specific to distributors. These obligations include acting with due care to ensure that the product is in conformity with Part 2 and taking action where it is not, checking that the product bears the CE marking, ensuring storage and transport conditions do not jeopardise conformity with essential health and safety requirements and checking that the products are labelled correctly.

7. Regulations 35 to 37 set out the obligations that manufacturers, importers and distributors have. These obligations include prohibitions on the improper use of the CE marking and a requirement to translate the declaration of conformity into the language required by the Member States within which it is made available.

8. Part 3 sets out provisions concerning the conformity assessment procedure, declarations of conformity and CE marking.

9. Part 4 sets out provisions concerning the bodies which carry out conformity assessment procedures.

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

10. Part 5 sets out provisions for market surveillance and enforcement. Regulation 51 identifies the market surveillance authority which has an obligation to enforce the Regulations in respect of the products. Regulation 53 and Schedules 4 and 5 provide for the enforcement powers which the enforcing authorities are to have. Regulation 61 provides for the contravention of provisions to be an offence. Regulation 62 sets out the penalties that are to apply for offences.

11. Part 6 sets out transitional provisions and consequential amendments. The 1996 Regulations will continue to apply to any products which are in conformity and placed on the market prior to the 10th July 2017.

12. A transposition note and assessment of the impact that these Regulations will have on the costs of business, the voluntary sector and the public sector are available from the Health and Safety Executive for Northern Ireland, 83 Ladas Drive, Belfast, BT6 9FR and are also published with the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.

13. In Great Britain the corresponding Regulations are the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 ([S.I. 2016/1107](#)).