
STATUTORY INSTRUMENTS

1996 No. 192

**The Equipment and Protective Systems Intended for Use
in Potentially Explosive Atmospheres Regulations 1996**

PART III

GENERAL REQUIREMENTS

General duty relating to the placing on the market of equipment, protective systems or devices by a responsible person

6.—(1) Subject to regulation 9 below, no person who is a responsible person shall place on the market any equipment, protective system or device to which these Regulations apply unless the requirements of paragraph (2) below have been complied with in relation thereto.

(2) The requirements of this paragraph, in respect of any equipment, protective system or device, are that—

- (a) it satisfies the relevant essential health and safety requirements and, for the purpose of satisfying those requirements,
 - (i) where a transposed harmonized standard covers one or more of the essential health and safety requirements, any equipment, protective system or device constructed in accordance with that transposed harmonized standard shall be presumed to comply with that or, as the case may be, those essential health and safety requirements; and
 - (ii) a certificate of conformity to the harmonized standards specified in the Electrical Equipment for Explosive Atmospheres (Certification) Regulations 1990(1) (“the 1990 Regulations”) and obtained in accordance with the procedures for obtaining such certificates in the 1990 Regulations shall continue to be valid for the purposes of these Regulations until 30th June 2003 (unless it expires before that date) in respect of any electrical equipment, as defined in the 1990 Regulations, which conforms to the type covered by the said certificate;
- (b) the appropriate conformity assessment procedure, in accordance with regulation 10(1) below, has been carried out—
 - (i) by the manufacturer; or
 - (ii) where permitted by that procedure, wholly or partly as the case may be, by the manufacturer’s authorized representative established in the Community,save that,
 - (aa) where the procedure in Annex III, VI or VIII of the ATEX Directive (which are respectively set out in Schedules 6, 9 and 11 hereto) is part of or, as the case may be, is the appropriate conformity assessment procedure; and

(1) [S.I. 1990/13](#); relevant amending instruments are [S.I. 1990/2377](#), [1991/2826](#), [1995/1186](#).

(bb) the person placing the equipment, protective system or device on the market is neither the manufacturer nor his authorized representative established in the Community,

the obligation to retain the technical documentation, required as part of that appropriate conformity assessment procedure, shall be fulfilled by the person who places that equipment, protective system or device on the market;

- (c) the CE marking has been affixed to it by the manufacturer or his authorized representative established in the Community in accordance with Schedule 2 hereto and Schedule 2 shall have effect for that purpose; and
- (d) it is in fact safe.