TRANSPOSITION NOTE

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.

1. This Transposition Note has been prepared by the UK's Department for Business, Energy and Industrial Strategy and is intended to explain how the 2014 Directive is implemented in the UK.

2. This instrument is being made in order to implement the provisions of the revised EU Directive on equipment and protective systems intended for use in potentially explosive atmospheres ("ATEX") (2014/34/EU), which entered into force on 20 April 2016.

3. This instrument will replace and repeal the current Regulations (the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 1996, S.I. 1996/192).

4. The Regulations do not go beyond what is necessary to implement the 2014 Directive.

5. The Secretary of State is responsible for taking measures to implement the 2014 Directive.

TRANSPOSITION OF DIRECTIVE 2014/34/EU

Article	Objective of the Article	Implementation
1(1)	The Directive applies to products	Regulation 3(1)
1(2)	Products that are not within the scope of the Directive	Regulation 3(3)
2	Definitions	Regulations 2 and 3(2) Article 2(26) defines "CE marking" by reference to the purpose of the marking. Regulation 7(1) specifies that the CE marking must be applied after a successful conformity assessment, but before an article is placed on the market.
3(1)	Obligation to take all appropriate measures to ensure that products may be made available on the market and put into service when in conformity with the requirements of the Directive.	Unnecessary to implement this Article explicitly. The Regulation as a whole prevents the placing on

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		the market or the putting into service of products which do not comply with the essential safety requirements.
3(2)	This Article permits Member States to lay down requirements necessary to ensure that individuals, in particular workers are protected when using products.	Unnecessary to implement this explicitly. This provision is implemented by using the freedom provided to Member States to implement domestic health and safety legislation as appropriate.
3(3)	Exception from the Directive allowing showing and use of products at trade fairs, exhibitions and demonstrations for marketing purposes.	Regulation 4 and Part 1 of the Health and Safety at Work etc. Act 1974
4	Obligation that products must meet the essential health and safety requirements set out in Annex II of the Directive	Regulation 2(1), Part 2 (obligations of economic operators)
5	Obligation not to obstruct free movement of products which satisfy the requirements of the Directive.	Unnecessary to implement this explicitly. This provision is implemented by ensuring that domestic legislation does not obstruct free movement.
6(1)	Manufacturers must ensure that products have been designed and manufactured in accordance with the essential health and safety requirements.	Regulation 5
6(2)	Obligation 1: Manufacturers must draw up technical documentation and have a relevant conformity assessment procedure carried out. Obligation 2: Once a product has, by means of a relevant conformity assessment, been demonstrated to be in conformity with the essential health and safety requirements, the manufacturer must draw up an EU declaration of conformity and affix the CE marking. Obligation 3: Once a component has, by means of a relevant conformity assessment, been demonstrated to be in conformity with the essential health and safety requirements, the manufacturer must draw up a written attestation of conformity. Obligation 4: Manufacturers must ensure that each	Obligation 1: Regulation 6 Obligation 2: Regulation 7(1) Obligation 3: Regulation 7(3) Obligation 4: Regulation 7(4) Obligation 5: Regulation 7(5)

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	product is accompanied by a copy of the EU declaration of conformity or the attestation of conformity. Obligation 5: Where a large number of products are delivered to a single user, the batch may be accompanied by a single copy.	
6(3)	Manufacturers must keep technical documentation and the EU declaration of conformity (or where applicable, the attestation of conformity) for 10 years after the product has been placed on the market	Regulation 8
6(4)	Obligation 1: Manufacturers must ensure that procedures are in placed to ensure that products manufactured by series production remain in conformity with the requirements of the Directive. Obligation 2: Changes in product design, characteristics, harmonised standards or other technical specifications must be adequately taken into account. Obligation 3: When deemed appropriate with regard to the risks presented by a product, manufacturers must, carry out certain monitoring activities (sample testing and investigative monitoring) and keep a register of complaints. Obligation 4: Manufacturers must keep distributors informed of monitoring activities.	Obligation 1: Regulation 9(1) Obligation 2: Regulation 9(2) Obligation 3: Regulation 10 Obligation 4: Regulation 10(1)(c)
6(5)	Obligation 1: Manufacturers must ensure that products placed on the market bear a type, batch or serial number so that they can be identified. Obligation 2: If the product does not contain sufficient space for the type, batch or serial number, the manufacturer must ensure that the information is provided on the packaging or in a document accompanying the product.	Obligation 1: 11(1) Obligation 2: 11(2)
6(6)	Save for products which are components, manufacturers must ensure that products placed on the market bear the specific marking of explosion protection, and where applicable the other markings referred to in Annex II of the Directive.	Regulation 12
6(7)	Manufacturers must indicate their name, registered trade name or trademark and postal address on products in a language easily understood by end-users and market surveillance authorities. Where it is not possible to do this, the information must be put	Regulation 13

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	on packaging or in a document accompanying the article.	
6(8)	Manufacturers must ensure that a product is accompanied by instructions and safety information in a language which can be easily understood by end-users as determined by the Member State concerned. The instructions/safety information must be clear and understandable.	Regulation 14
6(9)	Obligation 1: Manufacturers who consider or have reason to believe that they have placed on the market a product not in conformity with the Directive must immediately take corrective action to bring that product into conformity, to withdraw it or recall it. Obligation 2: Where a product presents a risk, manufacturers must immediately inform the competent national authorities of the Member States in which the product has been made available to that effect, giving details of the non-compliance and any corrective measures taken.	Obligation 1: Regulation 15(1) Obligation 2: Regulations 15(2)
6(10)	Obligation 1: Manufacturers must, further to a reasoned request, provide a market surveillance authority with information and documentation necessary to demonstrate the conformity of a product with the Directive in a language which can be easily understood by the market surveillance authority. Obligation 2: Manufacturers must cooperate with the authority on action taken to eliminate risks posed by products placed on the market.	Obligation 1: Regulation 16(1) Obligation 2: Regulations 16(2)
7(1)	Obligation 1: A manufacturer may, by written mandate, appoint an authorised representative. Obligation 2: The manufacturer's obligation as laid down in Article 6(1) of the Directive (design and manufacture in accordance with the essential health and safety requirements) and Article 62(2) (obligation to draw up technical documentation) of the Directive must not form part of the authorised representative's mandate.	Obligation 1: Regulation 17(1) Obligation 2: Regulations 17(3)
7(2)	Obligation 1: An authorised representative must perform the task specified in the mandate received from the manufacturer. Obligation 2: The mandate must allow the authorised representative to do at least the following: (a) keep the EU declaration of conformity (or the	Obligation 1: Regulation 17(2) Obligation 2: Regulation 17(4) To avoid duplication and repetition, instead of

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	attestation of conformity) and the technical documentation for the market surveillance authority for 10 years; (b) provide the competent national authority with all the information and documentation to demonstrate the conformity of a product; and (c) cooperate with the competent national authorities on any action to eliminate the risks posed by products covered by the authorised representative's mandate.	copying out the authorised representative's obligations, the regulation simply cross-refers to regulation 8 and regulation 16 which already sets these out.
8(1)	Importers must place only compliant products on the market.	Regulation 18
8(2)	Obligation 1: Before an importer places a product on the market, the importer must ensure that the manufacturer has satisfied certain obligations and that the product is accompanied by the required documents. Obligation 2: Where an importer considers, or has reason to believe, that a product is not in conformity with the essential health and safety requirements, the importer must not place it on the market. Obligation 3: Where the product presents a risk, the importer must inform the manufacturer and the market surveillance authorities.	Obligation 1: Regulation 19 Obligation 2: Regulation 20(1) Obligation 3: Regulations 20(2)
8(3)	Obligation 1: Importers must indicate their name, registered trade name or registered trade mark and address on the product. Obligation 2: If that is not possible, the information must be indicated on the packaging or in an accompanying document. Obligation 3: The information must be in a language which can be easily understood by end-users and market surveillance authorities.	Obligation 1: Regulation 21(1) Obligation 2: Regulation 21(3) Obligation 3: Regulation 21(2)
8(4)	Importers must ensure that a product is accompanied by instructions and safety information in a language which can be easily understood by end-users, as determined by the Member State concerned.	Regulation 22
8(5)	Importers must ensure that while a product is under their responsibility, they do not jeopardise its compliance with the essential health and safety requirements.	Regulation 23
8(6)	Obligation 1: When deemed appropriate with regard to the risks presented by a product, importers must,	Obligation 1: Regulation 24(1)(a) and (b), 24(2),

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	carry out certain monitoring activities and keep a register. Obligation 2: Importers must keep distributors informed of monitoring activities.	24(3) Obligation 2: Regulation 24(1)(c)
8(7)	Obligation 1: Importers who consider or have reason to believe that they have placed on the market a product not in conformity with the Directive must immediately take corrective action to bring that product into conformity, to withdraw it or recall it. Obligation 2: Where a product presents a risk, importers must immediately inform the competent national authorities of the Member States in which the product has been made available to that effect, giving details of the non-compliance and any corrective measures taken.	Obligation 1: Regulation 25(1) Obligation 2: Regulations 25(2)
8(8)	Importers must keep the technical documentation and the EU declaration of conformity (or where applicable the attestation of conformity) for 10 years after the product is placed on the market.	Regulation 27
8(9)	Obligation 1: Importers must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a product with the Directive in a language which can be easily understood by the market surveillance authority. Obligation 2: Importers must cooperate with the authority on action taken to eliminate risks posed by products placed on the market.	Obligation 1: Regulation 26(1) Obligation 2: Regulations 26(2)
9(1)	When making a product available on the market, distributors must act with due care.	Regulation 28
9(2)	Obligation 1: Before a distributor makes a product available on the market, the distributor must ensure that the manufacturer and importer have satisfied certain obligations and that the product is accompanied by the required documents. Obligation 2: Where a distributor considers, or has reason to believe, that a product is not in conformity with the essential health and safety requirements, the distributor must not make it available on the market. Obligation 3: Where the product presents a risk, the distributor must inform the manufacturer or the importer and the market surveillance authorities.	Obligation 1: Regulation 29 Obligation 2: Regulation 31(1) Obligation 3: Regulations 31(2)
9(3)	Distributors must ensure that while a product is under	Regulation 30

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	their responsibility, its storage or transport conditions do not jeopardise its compliance with the essential health and safety requirements.	
9(4)	Obligation 1: Distributors who consider, or have reason to believe, that a product which they have made available on the market is not in conformity must make sure that corrective measures are taken to bring that article into conformity, withdraw it or recall it. Obligation 2: Where the product presents a risk, the distributor must immediately inform the competent national authorities of the Member States in which they made the product available.	Obligation 1: Regulation 32(1) Obligation 2: Regulation 32(2)
9(5)	Obligation 1: Distributors must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a product with the Directive Obligation 2: Distributors must cooperate with the authority on action taken to eliminate risks posed by products made available on the market.	Obligation 1: Regulation 28(1) Obligation 2: Regulation 33(1)
10	Importers and distributors to be treated as manufacturers where they place a product on the market under their name or trademark or modify it in a way that affects its compliance with the Directive.	Regulation 34
11	Economic operators must, on request identify other economic operators in the supply chain. They must be able to do this for 10 years after the supply of a product occurs.	Regulation 35
12(1)	Products presumed to be in conformity with the essential safety requirements to the extent that they are in conformity with a harmonised standard covering those requirements.	Regulation 38
12(2)	In the absence of harmonised standards, Member States must take any steps necessary to bring to the attention of the parties concerned of existing national standards and technical specifications relevant to the implementation of essential health and safety requirements.	Unnecessary to implement this explicitly.
13(1)	When assessing the conformity of equipment, and where necessary, the devices referred to at Article 1(1)(b), the procedure to be followed must be one of the procedures listed.	Regulation 39(1)
13(2)	The procedure for the conformity assessment of protective systems must be either the procedure referred to at point (a) or (d), Article 13(1) of the	Regulation 39(2)

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	Directive	
13(3)	Obligation 1: The procedures listed at Article 13(1) of the Directive must be applied in respect of components, with the exception of affixing of the CE marking and the drawing up of the EU declaration of conformity. Obligation 2: The manufacturer must issue a written attestation of conformity, declaring: (a) the conformity of the components with the applicable provisions of the Directive; (b) the component's characteristics and how they must be incorporated into equipment or protective systems to assist with compliance with the essential health and safety requirements applicable to finished equipment or protective systems.	Obligation 1: Regulation 39(3)(a) Obligation 2: Regulation 39(3)(b)
13(4)	In addition to the conformity assessment procedures set out in Articles 13(1) and (2) of the Directive, the conformity assessment procedure referred to in Annex VIII of the Directive may also be followed.	Regulation 39(4)
13(5)	Where the conformity assessment procedures have not been applied, the competent authorities may, on a justified request, authorise the placing on the market and the putting into service of the products in the territory of the Member State concerned, where the use is in the interest of protection.	Regulation 39(5)
13(6)	The documents and correspondence relating to the conformity assessment procedures must be drawn up in a language determined by the Member State concerned.	Regulation 39(6)
14(1)	The EU declaration of conformity must state that the fulfilment of the essential safety requirements has been demonstrated	Regulation 40(a)
14(2)	Obligation 1: The EU declaration of conformity must have the model structure set out in Annex X of the Directive. Obligation 2: The EU declaration of conformity must contain the elements specified in the relevant procedures set out in Annex III to IX of the Directive. Obligation 3: The EU declaration of conformity must be continuously updated. Obligation 4: The EU declaration of conformity must	Obligation 1: Regulation 40(b) Obligation 2: Regulation 40(c) Obligation 3: Regulation 7(2) Obligation 4: Regulation

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	be translated into the language required by the Member State in which the product is placed or made available on the market.	37
14(3)	Obligation 1: Where a product is subject to more than one Union act requiring an EU declaration of conformity, a single declaration must be drawn up. Obligation 2: The declaration must contain the identification of the Union acts concerned.	Obligation 1: Regulation 7(6) Obligation 2: Regulation 7(6)
14(4)	By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the product with the requirements of the Directive.	It is unnecessary to implement this requirement. The manufacturer has a clear set of obligations under the Regulations, which each have their own trigger points (such as placing on the market).
15	The CE marking is subject to the general principles in Article 30 of Regulation (EC) No 765/2008	Regulation 38 This obligation has been implemented by setting out the principles contained in Article 30 of Regulation (EC) No 765/2008 as enforceable prohibitions.
16(1)	Obligation 1: The CE marking must be affixed visibly, legibly and indelibly to the product or its data plate. Obligation 2: Where that is not possible or not warranted on account of the nature of the product, it must be affixed to the packaging and to the accompanying documents.	Obligation 1: Regulation 41(1) Obligation 2: 41(2)
16(2)	The CE marking must be affixed before the product is placed on the market.	Regulation 7(1)(b)
16(3)	Obligation 1: The CE marking must be followed by the identification number of the notified body, where that body is involved in the production control phase. Obligation 2: The identification number must be affixed by the body itself, or under its instruction, by the manufacturer or the authorised representative.	Obligation 1: Regulation 41(3) Obligation 2: Regulation 41(4)
16(4)	The CE marking, and where applicable, the identification number of the notified body, must be	Regulation 41(5)

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	followed by the specific marking of explosion protection, the symbols of the equipment-group and category and, where applicable, the other markings and information referred to in point 1.0.5 of Annex II of the Directive.	
16(5)	Obligation 1: The CE marking may be followed by any other mark indicating a special risk or use. Obligation 2: Products that are designed for a particular explosive atmosphere must be marked accordingly.	Obligation 1: It is not necessary to implement this Article. This is a permissive provision, which is unnecessary in the absence of a relevant prohibition Obligation 2: 41(6)
16(6)	Member States must build on existing mechanisms to ensure correct application of the regime governing CE marking and must take appropriate action in the event of improper use.	Regulation 36 This provision requires action, but does not specify the action that must be taken. The UK implements this obligation by prohibiting the improper use of the CE marking, and in particular by enforcing the requirements set out in Article 30 of Regulation (EC) 765/2008.
17	Member States must notify the Commission and other Member States of bodies authorised to carry out third-party conformity assessment tasks.	Regulations 42(1) and 39
18(1)	Member States must designate a notifying authority which is to be responsible for assessment and notification of conformity assessment bodies and the monitoring of notified bodies.	Regulations 44, 46, 48 and 50
18(2)	Member States may decide that the assessment and monitoring is to be carried out by a national accreditation body.	Regulation 47 It is not necessary to implement this provision explicitly. The United Kingdom is using this flexibility to allow the Secretary of State to carry out assessments and monitoring.
18(3)	Obligation 1: Where the notifying authority delegates the assessment, notification or monitoring of a conformity assessment body, that body shall be a	Regulation 47 Obligation 1: The United Kingdom Accreditation

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	legal entity. Obligation 2: The legal entity must comply with the requirements in Article 19 of the Directive. In addition, it shall have arrangements to cover liabilities arising out of its activities.	Service is a registered legal company limited by guarantee. Obligation 2: It is not necessary to implement the obligation to comply with the requirements in Article 19 of the Directive for the reasons set out in the table below relating to Article 19.
18(4)	The notifying authority must take full responsibility for the tasks performed by the body referred to in Article 18(3).	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by operating in accordance with the Memorandum of Understanding with the United Kingdom Accreditation Service.
19(1)	A notifying authority must be established in such a way that no conflict of interest with conformity assessment bodies occurs	It is not necessary to implement this explicitly. The Secretary of State does not have a conflict of interest with conformity assessment bodies.
19(2)	A notifying authority must be organised and operated so as to safeguard the objectivity and impartiality of its activities.	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by operating in an objective and impartial manner.
19(3)	A notifying authority must be organised so that each decision on notification is taken be competent persons, different from those who carried out the assessment	It is not necessary to implement this explicitly. It is expected that the United Kingdom Accreditation Service will carry out the assessment and the Secretary of State (operating through his officials) will decide on

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		notification.
19(4)	A notifying authority must not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.	It is not necessary to implement this explicitly. This obligation will be satisfied by the Secretary of State not performing such services on a commercial or competitive basis.
19(5)	A notifying authority must safeguard the confidentiality of the information it obtains.	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by maintaining confidentiality.
19(6)	A notifying authority must have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by ensuring that he has a sufficient number of competent personnel to perform his tasks.
20	Obligation 1: Member States must inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies. Obligation 2: The Commission shall make that information publicly available	Obligation 1: Regulations 44(7) and 46(2) Obligation 2: It is not necessary to implement this. The obligation falls with the Commission and not the Member State.
21(1)	For the purposes of notification, a conformity assessment body must meet the requirements in paragraphs 2 to 11.	Regulation 44(4)
21(2)	A conformity assessment must be established under the national law of a Member State and have legal personality.	Schedule 2, paragraph 1
21(3)	Obligation 1: A conformity assessment body must be third-party body independent of the organisation or the product it assesses. Obligation 2: A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products	Obligation 1: Schedule 2, paragraph 2 Obligation 2: Schedule 2, paragraph 3

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	which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered a body.	
21(4)	Obligation 1: A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be the designer, manufacturer, supplier, owner etc. of the products. Obligation 2: A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be directly involved in the design, manufacture, marketing etc. of the products. They must not engage in any activity which may conflict with their independence or integrity. Obligation 3: Conformity assessment bodies must ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.	Obligation 1: Schedule 2, paragraph 4 Obligation 2: Schedule 2, paragraphs 5 and 6 Obligation 3: Schedule 5, paragraph 7
21(5)	Conformity assessment bodies must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence and must be free from pressures and inducements which might influence their judgement.	Schedule 5, paragraph 8
21(6)	Obligation 1: A conformity assessment body must be capable of carrying out the conformity assessment tasks assigned to it and in relation to which it has been notified. Obligation 2: A conformity assessment body must have at its disposal: (a) personnel with technical knowledge and sufficient experience; (b) the descriptions of procedures in accordance with which conformity assessment is carried out; (c) the procedure for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, the degree of complexity of the product technology etc. Obligation 3: A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate	Obligation 1: Schedule 5, paragraph 9 Obligation 2: Schedule 5, paragraph 10 Obligation 3: Schedule 5, paragraph 11

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	manner.	
21(7)	The personnel responsible for carrying out conformity assessment tasks must have: (a) sound technical and vocational training covering all the conformity assessment activities; (b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority; (c) appropriate knowledge and understanding of the essential health and safety requirements, the relevant harmonised standards and legislation; (d) the ability to draw up certificates, records and reports.	Schedule 5, paragraph 12
25(8)	Obligation 1: The impartiality of the conformity assessment bodies, their top level management and the personnel responsible for carrying out conformity assessment tasks must be guaranteed. Obligation 2: The remuneration of the top level management and personnel responsible for carrying out conformity assessment tasks must not depend on the number of assessments carried out or on the results of the assessments.	Obligation 1: Schedule 5, paragraph 13 Obligation 2: Schedule 5, paragraph 14
21(9)	Conformity assessment bodies must take out liability insurance unless liability is assumed by the State or the Member State is responsible for the conformity assessment.	Schedule 5, paragraph 15
21(10)	Obligation 1: The personnel of a conformity assessment body must observe professional secrecy, except in relation to the competent authorities of the Member State in which it is carrying out its activities. Obligation 2: Proprietary rights must be protected.	Obligation 1: Schedule 5, paragraphs 16 and 17 Obligation 2: Schedule 5, paragraph 16
21(11)	Conformity assessment bodies must participate in, or ensure that their personnel are informed of, the relevant standardisation activities and the activities of the notified body coordination group and must apply as general guidance the administrative decisions and documents produced by that group.	Schedule 5, paragraph 18
22	Where a conformity assessment body demonstrates its conformity with the criteria laid down in relevant harmonised standards, it is to be presumed to comply with the requirements set out in Article 21 in so far as the applicable harmonised standards cover those requirements.	Regulation 43
23(1)	Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it must ensure that the subcontractor or the subsidiary meets the requirements set out in Article 21 and must inform	Regulation 50(2)

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	the notifying authority accordingly.	
23(2)	Notified bodies must take full responsibility for the tasks performed by subcontractors or subsidiaries.	Regulation 50(5)
23(3)	Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.	Regulation 50(3)
23(4)	Notified bodies must keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them.	Regulation 50(4)
24(1)	A conformity assessment body must submit an application for notification to the notifying authority of the Member State in which it is established.	Regulation 44(2) and (3)
24(2)	The application must be accompanied by a description of the conformity assessment activities, the conformity assessment module and the products for which the body claims to be competent, as well as by any accreditation certificate issued by a national accreditation body.	Regulation 44(2) and (3)
24(3)	Where the conformity assessment body cannot provide an accreditation certificate, it must provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements in Article 21.	Regulation 45
25(1)	Notifying authorities may notify only conformity assessment bodies which have satisfied the requirements in Article 21.	Regulation 44(1), (2), (4) and (6) and regulation 2(1)
25(2)	They must notify the Commission and other Member States using the electronic notification tool developed and managed by the Commission.	Unnecessary to implement explicitly. The Secretary of State will satisfy this obligation by actually making the notifications using the electronic notification tool.
25(3)	The notification must include full details of the conformity assessment activities, the conformity assessment module and product concerned and the relevant attestation of competence.	Regulation 46
25(4)	Where a notification is not based on an accreditation certificate, the notifying authority must provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that the body is monitored regularly and will continue to satisfy the	Regulation 45(c)

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	requirements laid down in Article 21.	
25(5)	The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or other Member States within 2 weeks, where an accreditation certificate is used, or 2 months otherwise. Only such a body is to be considered a notified body for the purposes of this Directive.	Regulations 42(1)(b) and 39
25(6)	The notifying authority must notify the Commission and other Member States of any subsequent relevant changes to the notification.	Regulation 48(4)
26(1)	Obligation 1: The Commission must assign an identification number to a notified body. Obligation 2: It must assign a single such number even where the body is notified under several Union acts.	It is not necessary to implement these obligations because these are obligations on the European Commission.
26(2)	Obligation 1: The Commission must make publicly available the list of notified bodies. Obligation 2: The Commission must ensure that the list is kept up to date.	It is not necessary to implement these obligations because these are obligations on the European Commission.
27(1)	Obligation 1: Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 21 or that it is failing to fulfil its obligations, the notifying authority must restrict, suspend or withdraw notification, depending on the seriousness of the failure. Obligation 2: The notifying authority must immediately inform the Commission and the other Member States.	Obligation 1: Regulation 48(1), (2), and (3) Obligation 2: Regulation 49(4)
27(2)	In the event of a restriction, suspension or withdrawal of notification, or where the notified body has ceased activity, the notifying Member State must take appropriate steps to ensure that the files are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities.	Regulation 48(5)
28(1)	The Commission must investigate any doubts regarding the competence of a notified body or whether the body is fulfilling its responsibilities.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
28(2)	The notifying Member State must provide the Commission, on request, with information relating to	It is not necessary to implement this obligation

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	the basis for the notification or the maintenance of the competence of the notified body concerned.	explicitly. The Secretary of State will satisfy this obligation by providing any such information that is requested.
28(3)	The Commission must ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
28(4)	Where the Commission ascertains that a notified body does not meet, or no longer meets, the requirements for notification, it must adopt an implementing act requesting the notifying Member State to take the necessary corrective action.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
29(1)	Notified bodies must carry out conformity assessments in accordance with the conformity assessment procedures set out in Annex III to VII and Annex IX.	Regulation 49 and Schedule 3, paragraph 1
29(2)	Obligation 1: Conformity assessments must be carried out in a proportionate manner. Obligation 2: Conformity assessment bodies must perform their activities taking due account of the size of the undertaking, the sector in which it operates, its structure, the degree of complexity etc. Obligation 3: In doing so they must respect the degree of rigour and level of protection required for the compliance of the product with the requirements of the Directive.	Obligation 1: Regulation 49 and Schedule 3, paragraph 2 Obligation 2: Regulation 49 and Schedule 3, paragraph 3 Obligation 3: Regulation 49 and Schedule 3, paragraph 4
29(3)	Where a notified body finds that essential health and safety requirements set out in Annex II or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity.	Regulation 49 and Schedule 3, paragraph 5, 8 and 9
29(4)	Where, in the course of monitoring of conformity following the issue of a certificate, a notified body finds that a product no longer complies, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate, if necessary.	Regulation 49 and Schedule 3, paragraph 6
29(5)	Where corrective measures are not taken or do not have the required effect, the notified body must restrict, suspend or withdraw any certificates.	Regulation 49 and Schedule 3, paragraph 7, 8 and 9

Article	Objective of the Article	Implementation
30	Member States must ensure that an appeal procedure against decisions of the notified body is available.	Regulation 49 and Schedule 3, paragraph 11
31(1)	Notified bodies must inform the notifying authority of: (a) any refusal, restriction, suspension or withdrawal of a certificate; (b) any circumstances affecting the scope or conditions for notification; (c) any request for information received from market surveillance authorities; and (d) on request, conformity assessment activities performed etc.	Regulation 49 and Schedule 3, paragraph 10
31(2)	Notified bodies must provide other bodies notified under the Directive carrying out similar conformity assessment activities covering the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.	Regulation 49 and Schedule 3, paragraph 12
32	The Commission must provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
33	Obligation 1: The Commission must ensure that appropriate coordination and cooperation between notified bodies are put in place. Obligation 2: Member States must ensure that the bodies notified by them participate in the forum.	Obligation 1: It is not necessary to implement this obligation because it is an obligation on the European Commission. Obligation 2: Regulation 49 and Schedule 3, paragraph 13
34	Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 apply to products.	Part 5 and Schedules 4 and 5 Regulation (EC) 765/2008 is directly applicable in United Kingdom law. Part 5 of these Regulations provides for enforcing authorities to use their powers to give effect to Regulation (EC) 765/2008.
35(1)	Obligation 1: Where a market surveillance authority has reason to believe that a product presents a risk to the health or safety of persons or to domestic animals or property, it must carry out an evaluation in relation	Obligation 1: Regulations 55 and 2(5)

Article	Objective of the Article	Implementation
	to the product concerned. Obligation 2: The relevant economic operators must cooperate as necessary with the market surveillance authorities for the purposes of the evaluation. Obligation 3: Where, in the course of an evaluation, the market surveillance authority finds that a product does not comply, it must require the economic operator to take all appropriate corrective action within a reasonable period. Obligation 4: The market surveillance authority must inform the relevant notified body accordingly. Obligation 5: Article 21 of Regulation (EC) No 765/2008 applies to the corrective action required.	 Obligation 2: Regulations 16(2)(a), 26(2)(a) and 33(2)(a) Obligation 3: Regulation 56(1) and (9) Obligation 4: Regulation 56(2) Obligation 5: Regulation 61
35(2)	Where the market surveillance authority considers that non-compliance is not restricted to their national territory, they must inform the Commission and other Member States of the result of the evaluation and the actions that it has required of the economic operator.	Regulation 56(4)
35(3)	The economic operator must ensure that all appropriate corrective action is taken in respect of all products concerned made available on the market.	Regulations 16(2)(b), 26(2)(b) and 33(2)(b)
35(4)	Obligation 1: Where the relevant economic operator does not take adequate corrective action, the market surveillance authority must take appropriate measures to prohibit or restrict the products being made available on the national market, to withdraw the product from the market or to recall it. Obligation 2: The market surveillance authority must inform the Commission and the other Member States of those measures.	Obligation 1: Regulation 56(5) Obligation 2: Regulation 56(7)
35(5)	Obligation 1: The information provided to the Commission and other Member States must include certain information, including data necessary for the identification of the non-compliant product, the origin of the product, the nature of the non-compliance and the risk, the nature of the national measures taken etc. Obligation 2: The information provided must indicate whether the non-compliance is due to either failure to meet requirements under the Directive or shortcomings in the harmonised standards.	Obligation 1: Regulation 56(8) Obligation 2: Regulation 56(8)
35(6)	Member States other than the one initiating the	Regulation 57(2)

Article	Objective of the Article	Implementation
	procedure must inform the Commission and other Member States of any measures adopted and any information at their disposal relating to the non-compliance of the product, and any objections to the adopted national measure.	
35(7)	If no objections are raised within 3 months of receipt of the information, the measure is considered justified.	It is not necessary to implement this provision. It concerns a procedure that takes place at the EU level.
35(8)	Member States must ensure that appropriate restrictive measures are taken in respect of a product without delay.	Regulation 57(3)
36(1)	Where, on completion of the procedure in Article 35, objections are raised, the Commission must enter into consultation, evaluate the national measure, adopt an implementing act determining whether the national measure is justified and communicate its decision to Member States and relevant economic operators.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
36(2)	Obligation 1: If the national measure is considered justified, all Member States must take the necessary measures to ensure that the non-compliant product is withdrawn from their national market and inform the Commission accordingly. Obligation 2: If the national measure is considered unjustified, the Member State concerned must withdraw that measure.	Obligation 1: Regulation 57(4) and (6) Obligation 2: Regulation 57(7)
36(3)	Where the national measure is considered justified and the non-compliance is attributed to a shortcoming in the harmonised standards, the Commission must apply the procedure provided for in Regulation (EU) No 1025/2012.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
37(1)	Where, having carried out an evaluation, a Member State finds that although a product is in compliance with the Directive, it presents a risk to the health or safety of persons or to domestic animals or property, it must require the relevant economic operator to take all appropriate measures to ensure that the product, when placed on the market, no longer presents the risk, to withdraw the product or to recall it within a reasonable period.	Regulations 58(1) and (5) and 2(5)
37(2)	The economic operator must ensure that corrective action is taken in respect of all the products concerned that the economic operator has made available on the market throughout the Union.	Regulations 16(2)(b), 26(2)(b) and 33(2)(b)
37(3)	The Member State must inform the Commission and other Member States and provide the data necessary	Regulation 58(3) and (4)

Article	Objective of the Article	Implementation
	to identify the product, the origin and the supply chain, the nature of the risk and the nature of the national measures taken.	
37(4)	The Commission must enter into consultation, evaluate the national measures and decide whether the national measure is justified by way of implementing acts.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
37(5)	The Commission must address its decision to all Member States and the relevant economic operators.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
38(1)	Where a Member State makes a finding of formal non-compliance, it must require the relevant economic operator to put an end to the non-compliance concerned.	Regulation 59(1) and (4)
38(2)	Where the non-compliance persists, the Member State must take appropriate measures to restrict or prohibit the product being made available on the market or ensure that it is recalled or withdrawn from the market.	Regulation 59(2) and (3)
39(1)	The Commission is to be assisted by the Committee on equipment and protective systems intended for use in potentially explosive atmospheres.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
39(2)	Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
39(3)	Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
39(4)	Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
39(5)	The committee must be consulted by the Commission and must examine matters concerning the application of the Directive raised by the chair or a representative of a Member State.	It is not necessary to implement this provision as it concerns a process at the EU level.
40	Member States must lay down rules on penalties applicable to infringements by economic operators of the provisions of national law adopted pursuant to this Directive and must take all measures necessary to ensure that they are enforced.	Part 5 (and in particular, regulations 61 and 62)

Article	Objective of the Article	Implementation
	Such rules may include criminal penalties for serious infringements. The penalties provide must be effective, proportionate and dissuasive.	
41(1)	Member States must not impede the making available on the market of products which are in conformity with Directive 94/9/EC and which were placed on the market before 20 April 2016.	Regulations 3(3)(h) and 73(3)
41(2)	Certificates issued under Directive 94/9/EC are to be valid under the Directive.	Regulation 72
42(1)	Obligation 1: Member States must adopt and publish their implementing measures by 19 April 2016 and must apply them from 20 April 2016. Obligation 2: Where Member States adopt the measures referred to in paragraphs 1 and 2, they must contain a reference to this Directive. They must also include a statement that references in existing laws to the Directive repealed are to be construed as references to the new Directive.	Obligation 1: It is not necessary to implement this obligation explicitly. This obligation is satisfied by implementing on time. Obligation 2: These Regulations do contain a reference to the Directive in regulation 2(1) and in the Explanatory Note. However, the obligation concerning references to the 1994 Directive is implemented by ensuring that there are no longer any references to the repealed Directive in United Kingdom law.
42(2)	Member States must communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	It is not necessary to implement this obligation explicitly. This obligation is implemented by communicating the main provisions to the Commission.
43	Directive 94/9/EC is repealed from 20 April July 2016.	It is not necessary to implement this obligation as it operates at the EU level. However, the Regulations do revoke the Equipment and Protective Systems

Article	Objective of the Article	Implementation
		Intended for Use in Potentially Explosive Atmospheres Regulations 1996, the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres (Amendment) Regulations 2001 and the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres (Amendment) Regulations 2005, which implemented the repealed Directive.
44	The Directive enters into force the day following its publication and most provisions apply from 20 April 2016.	It is not necessary to implement this obligation as it operates at the EU level.
45	This Directive is addressed to Member States.	It is not necessary to implement this provision.
Annex I	Equipment Groups and Categories	Regulation 2(1) (by cross-reference to the Directive)
Annex II	Essential health and safety requirements	Schedule 1
Annex III	Conformity assessment procedures – Module B: EU-type examination	Regulation 6 and Regulation 39 (by cross-reference to the Directive)
Annex IV	Conformity assessment procedures – Module D: Conformity to type based on quality assurance of the production process	Regulation 39(a)(i) (by cross-reference to the Directive)
Annex V	Conformity assessment procedures – Module F: Conformity to type based on product verification	Regulation 39(a)(ii) (by cross-reference to the Directive)
Annex VI	Conformity assessment procedures – Module C1: Conformity to type based on internal production control plus supervised product testing	Regulation 39(1)(b)(i)(aa) (by cross-reference to the Directive)
Annex VII	Conformity assessment procedures – Module E: Conformity to type based on product quality assurance	Regulation 39(1)(b)(i)(bb) (by cross-reference to the Directive)
Annex	Conformity assessment procedures – Module A:	Regulation

Article	Objective of the Article	Implementation
VIII	Internal production control	39(1)(b)(ii)(aa), Regulation 39(1)(b)(ii)(bb), Regulation 39(1)(c) and Regulation 39(4) (by cross-reference to the Directive)
Annex IX	Conformity assessment procedures – Module G: Conformity based on unit verification	Regulation 6(b)(iv) and Regulation 39(1)(d) (by cross-reference to the Directive)
Annex X	EU Declaration of Conformity	Regulation 40 and Schedule 6
Annex XI	Repeals and time limits for transposition referred to Article 43	It is not necessary to implement these provisions.
Annex XIII	Correlation table	It is not necessary to implement these provisions.