
STATUTORY INSTRUMENTS

2024 No. 696

**The Product Safety and Metrology
etc. (Amendment) Regulations 2024**

Amendment to the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016

16.—(1) The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016(1) are amended as follows.

(2) In regulation 2(1), in the definition of the “1994 Directive” omit “(as it has effect immediately before IP completion day)”.

(3) In regulation 36A—

- (a) for “essential safety requirements” (3 times) substitute “essential health and safety requirements”;
- (b) in paragraphs (2) and (4) omit “Subject to paragraphs (6) and (7)”;
- (c) omit paragraphs (6) and (7).

(4) For regulation 36C substitute—

“Further Use of UK marking

36C.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the ATEX Directive;
- (b) “harmonised standard” has the meaning given to it in Article 2(18).

(2) Paragraph (3) applies where, before placing a product on the market, the manufacturer

- (a) ensures that the product has been designed and manufactured in accordance with the essential health and safety requirements set out in Annex II;
- (b) ensures that the relevant conformity assessment procedures that apply to the product in accordance with Article 13(1) and (2) have been carried out;
- (c) draws up the technical documentation referred to in Annexes III to IX; and
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) regulations 5 and 6 are to be treated as being satisfied;
- (b) except for regulations 40 and 41(1) to (2) and (5) to (6), Part 3 does not apply;

(1) *S.I. 2016/1107*; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by *S.I. 2019/696*, *S.I. 2021/1273* and *S.I. 2022/1393*; there are other amending instruments but none is relevant.

- (c) regulations 2(2)(a), 7 to 9, 18, 19(1)(a) and (b), 20, 23, 27, 30, 31, 36 and 59 apply subject to the modifications in paragraph (4);
 - (d) regulations 40 and 41(6) and Schedule 6 apply subject to the modifications in paragraphs (4) and (5).
- (4) The modifications referred to in paragraph (3)(c) and (d) are that—
- (a) any reference to “essential health and safety requirements” is to be read as a reference to the essential health and safety requirements set out in Annex II;
 - (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
 - (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedure that applies to that product in accordance with Article 13;
 - (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annexes III to IX.
- (5) The modifications referred to in paragraph (3)(d) are that—
- (a) in regulation 40, the reference to “Schedule 3A to these Regulations” is to be read as a reference to Annexes III to IX;
 - (b) regulation 41(5) is to be read as if the words beginning with “and, where” and ending with “body” were omitted;
 - (c) in Schedule 6—
 - (i) in paragraph 5 the reference to “statutory requirements” is to be read as including the ATEX Directive;
 - (ii) in paragraph 7 the reference to “approved body” is to be read as a reference to the conformity assessment body that undertook the relevant conformity assessment procedure in accordance with Article 13.”.
- (5) In regulation 72A, omit paragraphs (4) to (6).