Commission Implementing Decision (EU) 2020/260 of 25 February 2020 amending Implementing Decision (EU) 2019/1202 as regards explosion prevention and protection

COMMISSION IMPLEMENTING DECISION (EU) 2020/260

of 25 February 2020

amending Implementing Decision (EU) 2019/1202 as regards explosion prevention and protection

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council[(1)], and in particular Article 10(6) thereof,

Whereas:

(1) In accordance with Article 12 of Directive 2014/34/EU of the European Parliament and of the Council[(2)], products which are in conformity with harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*, are to be presumed to be in conformity with the essential health and safety requirements set out in Annex II to that Directive covered by those standards or parts thereof.

(2) By letter BC/CEN/46-92 – BC/CLC/05-92 of 12 December 1994, the Commission made a request to the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (Cenelec) for the drafting and revision of harmonised standards in support of Directive 94/9/EC of the European Parliament and of the Council[(3)]. That Directive was replaced by Directive 2014/34/EU without changing the essential health and safety requirements set out in Annex II to Directive 94/9/EC.

(3) In particular, CEN and Cenelec were requested to draft a standard on the design and testing of equipment for use in potentially explosive atmospheres as indicated in Chapter I of the standardisation programme agreed between CEN and Cenelec and the Commission and attached to request BC/CEN/46-92 – BC/CLC/05-92. CEN and Cenelec were also requested to revise the existing standards with a view to aligning them to the essential health and safety requirements of Directive 94/9/EC.

(4) On the basis of the request BC/CEN/46-92 – BC/CLC/05-92, CEN revised standard ‘EN 1127-1:2011, Explosive atmospheres – Explosion prevention and protection – Part 1: Basic concepts and methodology’. As a result of that revision CEN submitted to the

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/260. (See end of Document for details)*

Commission standard 'EN 1127-1:2019, Explosion prevention and protection – Part 1: Basic concepts and methodology'.

(5) The Commission together with CEN has assessed whether the standard 'EN 1127-1:2019' drafted by CEN complies with the request BC/CEN/46-92 – BC/CLC/05-92.

(6) The standard 'EN 1127-1:2019' satisfies the requirements which it aims to cover and which are set out in Annex II to Directive 2014/34/EU. It is therefore appropriate to publish the reference of that standard in the *Official Journal of the European Union.*

(7) Standard 'EN 1127-1:2019' replaces standard 'EN 1127-1:2011'. It is therefore necessary to withdraw the reference to standard 'EN 1127-1:2011' from the *Official Journal of the European Union*. In order to provide manufacturers with sufficient time to prepare for application of the revised standard, it is necessary to defer the withdrawal of the reference to standard 'EN 1127-1:2011'.

(8) References of harmonised standards drafted in support of Directive 2014/34/EU are published in Commission Implementing Decision (EU) 2019/1202[(4)]. Implementing Decision (EU) 2019/1202 published only one reference of harmonised standard, 'EN IEC 60079-0:2018, Explosive atmospheres – Part 0: Equipment – General requirements (IEC 60079-0:2017)', conferring presumption of conformity with the corresponding essential requirements set out in Directive 2014/34/EU as from 12 July 2019. It also provided for withdrawal of the reference of the standard preceding standard 'EN IEC 60079-0:2018. In order to ensure that the references of harmonised standards drafted in support of Directive 2014/34/EU are listed in one act, the reference of standards 'EN 1127-1:2019' and 'EN 1127-1:2011' should be included in Annexes to be added to that Implementing Decision together with references of standards EN IEC 60079-0:2018 and EN 60079-0:2012 + A11:2013.

(9) Implementing Decision (EU) 2019/1202 should therefore be amended accordingly.

(10) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the day of its publication,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2019/1202 is amended as follows:

(1) Articles 1 and 2 are replaced by the following:

Article 1

The references of harmonised standards for equipment and protective systems intended for use in potentially explosive atmospheres drafted in support of Directive 2014/34/EU, listed in Annex I to this Decision, are hereby published in the *Official Journal of the European Union*.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/260. (See end of Document for details)*

Article 2

The references of harmonised standards for equipment and protective systems intended for use in potentially explosive atmospheres drafted in support of Directive 2014/34/EU, listed in Annex II to this Decision, are hereby withdrawn from the *Official Journal of the European Union* as from the dates set out in that Annex.;

(2) Annexes I and II are added as set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 25 February 2020.

For the Commission

The President

Ursula VON DER LEYEN