COMMISSION DIRECTIVE 94/44/EC

of 19 September 1994

adapting to technical progress Council Directive 82/130/EEC on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 82/130/EEC of 15 February 1982 on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp [1] as last amended by European Parliament and Council Directive 94/9/EC [2], and in particular Article 7 thereof,

Whereas in view of the present state of technical progress, it is now necessary to adapt the contents of the harmonized standards referred to in Annex A of Directive 82/130/EEC;

Whereas in view of the nature of the equipment mentioned above, it is necessary to provide for a transition period in order to allow the industry to adapt to the amendments of standards;

Whereas the measures provided for in this Directive are in accordance with the opinion delivered by the Restricted Committee of the Safety and Health Commission for the Mining and other Extractive Industries,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex A of Directive 82/130/EEC is replaced by Annex A in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 30 September 1995 and shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference all the time of their official publication. The procedure for such reference shall be adopted by the Member States.

Member States shall communicate to the Commission the texts of the provisions of national law which they have already adopted or adopt in the field governed by this Directive.

2. However, until 30 June 2003, Member States shall continue to apply the measures provided for in Article 4 of Directive 82/130/EEC as regards the equipment for which conformity to the harmonized standards is attested by the certificate of conformity referred to in Article 8 of Directive 82/130/EEC, provided that this certificate was issued before 1 January 1997.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 19 September 1994.

For the Commission

Padraig FLYNN

Member of the Commission

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[1] OJ No L 59, 2. 3. 1982, p. 10.
[2] OJ No L 100, 19. 4. 1994, p. 1.