

COMMISSION IMPLEMENTING DECISION (EU) 2023/601**of 13 March 2023****amending Implementing Decision (EU) 2022/1668 as regards harmonised standards for design and testing of vacuum cleaners for use in potentially explosive atmospheres and performance requirements of detectors for flammable gases****(Text with EEA relevance)**

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 Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (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⁾ ('the request'). 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. Those requirements are currently set out in Annex II to Directive 2014/34/EU.
- (3) In particular, CEN and Cenelec were requested to draft new standards 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 the request. 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, CEN drafted the harmonised standard EN 17348:2022 -Requirements for design and testing of vacuum cleaners for use in potentially explosive atmospheres. CEN also amended the following harmonised standard, the reference of which is published by Commission Implementing Decision (EU) 2022/1668 ⁽⁴⁾: EN 60079-29-1:2016 – Explosive atmospheres – Part 29-1: Gas detectors – Performance requirements of detectors for flammable gases. This resulted in the adoption of the two following amendments: EN 60079-29-1:2016/A1:2022 and EN 60079-29-1:2016/A11:2022.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ 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 (OJ L 96, 29.3.2014, p. 309).

⁽³⁾ Directive 94/9/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 100, 19.4.1994, p. 1).

⁽⁴⁾ Commission Implementing Decision (EU) 2022/1668 of 28 September 2022 on harmonised standards for equipment and protective systems intended for use in potentially explosive atmospheres drafted in support of Directive 2014/34/EU of the European Parliament and of the Council (OJ L 251, 29.9.2022, p. 6).

- (5) The Commission, together with CEN, has assessed whether standards EN 17348:2022 as well as EN 60079-29-1:2016 as amended by EN 60079-29-1:2016/A1:2022 and EN 60079-29-1:2016/A11:2022 comply with the request.
- (6) Harmonised standards EN 17348:2022 and EN 60079-29-1:2016 as amended by EN 60079-29-1:2016/A1:2022 and EN 60079-29-1:2016/A11:2022 satisfy the requirements which they aim to cover and which are set out in Directive 2014/34/EU. It is therefore appropriate to publish the reference of those standards and of the amendments to standard EN 60079-29-1:2016 in the *Official Journal of the European Union*.
- (7) Implementing Decision (EU) 2022/1668 provides in Annex I thereto the references of harmonised standards conferring a presumption of conformity with Directive 2014/34/EU. In order to ensure that the references of harmonised standards drafted in support of Directive 2014/34/EU are listed in one act, the references of harmonised standards EN 17348:2022 and EN 60079-29-1:2016 as amended by EN 60079-29-1:2016/A1:2022 and EN 60079-29-1:2016/A11:2022 should be included in that Annex.
- (8) It is necessary to withdraw from the L series of the *Official Journal of the European Union* the reference of harmonised standard EN 60079-29-1:2016, given that it has been amended. It is therefore appropriate to delete that reference from Annex I to Implementing Decision (EU) 2022/1668.
- (9) In order to give manufacturers sufficient time to prepare for application of harmonised standard EN 60079-29-1:2016 as amended by EN 60079-29-1:2016/A1:2022 and EN 60079-29-1:2016/A11:2022 it is necessary to defer the withdrawal of the reference of the harmonised standard EN 60079-29-1:2016.
- (10) Implementing Decision (EU) 2022/1668 should therefore be amended accordingly.
- (11) 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

Annex I to Implementing Decision (EU) 2022/1668 is amended in accordance with 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*.

Point (1) of Annex I shall apply from 17 September 2024.

Done at Brussels, 13 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Implementing Decision (EU) 2022/1668 is amended as follows:

- (1) row 82 is deleted;
- (2) the following row is inserted:

'82a.	EN 60079-29-1:2016 Explosive atmospheres – Part 29-1: Gas detectors – Performance requirements of detectors for flammable gases EN 60079-29-1:2016/A1:2022 EN 60079-29-1:2016/A11:2022';
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- (3) the following row is added:

'92.	EN 17348:2022 Requirements for design and testing of vacuum cleaners for use in potentially explosive atmospheres'.
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