

COMMISSION IMPLEMENTING DECISION (EU) 2022/784**of 17 May 2022****amending Implementing Decision (EU) 2019/1202 as regards harmonised standards for nozzle, test requirements and dimensions used for the automotive LPG filling system for light and heavy duty vehicles, and for explosion suppression systems****(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 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⁾ ('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 following harmonised standards: EN 13760:2021 – LPG equipment and accessories – automotive LPG filling system for light and heavy duty vehicles – nozzle, test requirements and dimensions, and EN 14373:2021 – Explosion suppression systems.
- (5) The Commission together with CEN has assessed whether the standards EN 13760:2021 and EN 14373:2021 comply with the request.
- (6) The standards EN 13760:2021 and EN 14373:2021 satisfy the requirements, which they aim to cover, and which are set out in Annex II to Directive 2014/34/EU. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.

⁽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).

- (7) Standard EN 13760:2021 replaces standard EN 13760:2003 and standard EN 14373:2021 replaces standard EN 14373:2005. It is therefore necessary to withdraw from the C series of the *Official Journal of the European Union* the references of standards EN 13760:2003 and EN 14373:2005 that are published by Commission communication (2018/C 371/01) ⁽⁴⁾.
- (8) In order to give manufacturers sufficient time to adapt their products to the revised versions of standards EN 13760:2003 and EN 14373:2005, it is necessary to defer the withdrawal of the reference to those standards.
- (9) Annex I to Commission Implementing Decision (EU) 2019/1202 ⁽⁵⁾ lists the references of harmonised standards drafted in support of Directive 2014/34/EU. In order to ensure that the references of harmonised standards drafted in support of Directive 2014/34/EU are all listed in one act, the references of harmonised standards EN 13760:2021 and EN 14373:2021 should be included in that Annex.
- (10) Annex II to Implementing Decision (EU) 2019/1202 lists the references of harmonised standards drafted in support of Directive 2014/34/EU that are withdrawn from the C series of the *Official Journal of the European Union*. The references of harmonised standards EN 13760:2003 and EN 14373:2005 should be included in that Annex.
- (11) Implementing Decision (EU) 2019/1202 should therefore be amended accordingly.
- (12) 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) Annex I is amended in accordance with Annex I to this Decision;
- (2) Annex II is amended in accordance with Annex II 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, 17 May 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ Commission communication (2018/C 371/01) in the framework of the implementation of Directive 2014/34/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 371, 12.10.2018, p. 1).

⁽⁵⁾ Commission Implementing Decision (EU) 2019/1202 of 12 July 2019 on the 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 189, 15.7.2019, p. 71).

ANNEX I

In Annex I to Implementing Decision (EU) 2019/1202, the following entries are added:

No	Reference of the standard
'10.	EN 13760:2021 LPG equipment and accessories – Automotive LPG filling system for light and heavy duty vehicles – Nozzle, test requirements and dimensions
11.	EN 14373:2021 Explosion suppression systems'

ANNEX II

In Annex II to Implementing Decision (EU) 2019/1202, the following entries are added:

No	Reference of the standard	Date of withdrawal
'9.	EN 13760:2003 Automotive LPG filling system for light and heavy duty vehicles – Nozzle, test requirements and dimensions	19 November 2023
10.	EN 14373:2005 Explosion suppression systems	19 November 2023'