

I. Implementation of the Directive on equipment and protective systems intended for use in potentially explosive atmospheres

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* ('ATEX Directive') has been implemented into the Polish legal system by the Act of 13 April 2016 *on conformity assessment and market surveillance systems* and the Regulation of the Minister for Development of 6 June 2016 *on the requirements for equipment and protective systems intended for use in potentially explosive atmospheres*. The national Regulation implementing the ATEX Directive must be read in conjunction with the above Act.

II. Conformity assessment of products

Before being placed on the market, products covered by the ATEX Directive must be assessed for conformity with essential requirements. The choice of conformity assessment procedure applicable to the product concerned depends on the intended use (in mines or in other places) and category of the product (M1, M2, I, II, III)

After determining the correct group and category of the product, the manufacturer will learn which conformity assessment procedure must be applied. The Directive provides for the following conformity assessment procedures:

- EU-type examination (module B),
- conformity to type based on quality assurance of the production process (module D),
- conformity to type based on product verification (module F),
- conformity to type based on internal production control plus supervised testing (module C1),
- conformity to type based on product quality assurance (module E),
- internal production control (module A),
- conformity based on unit verification (module G).

The conformity assessment ends with the marking of the product. Equipment and protective systems intended for use in potentially explosive atmospheres, and safety devices, controlling devices and regulating devices intended for use outside potentially explosive atmospheres but required for or contributing to the safe functioning of equipment and protective systems with respect to the risks of explosion are subject to CE marking, which is affixed before they are placed on the market (the CE marking is not affixed to components). For such products, the CE marking and, where applicable, the identification number of the notified body is followed by the specific marking of explosion protection (epsilon Ex), the symbols of the equipment-group and category and the other markings and information referred to in point 1.0.4 of Annex II to the Regulation. The identification number of the notified body is affixed by the body itself or, under its instructions, by the manufacturer or that manufacturer's authorised representative. Marks indicating a special risk or a special use of the product may also be affixed. The marking referred to in point 1.0.4(7) and (8) of Annex II to the Regulation is affixed to equipment and protective systems designed for explosive atmospheres caused by gases, vapours or mists or for explosive atmospheres caused by dust.

As part of the conformity assessment process, the manufacturer must request the participation of a third party – a notified body – in the assessment process, depending on the requirements for the module. The above third party must be accredited by the Polish Centre for Accreditation (Polskie Centrum Akredytacji, PCA).

Search engine for product certification bodies accredited by the PCA

<https://www.pca.gov.pl/akredytowane-podmioty/akredytacje-aktywne/jednostki-certyfikujace-wyroby/>

III. Standardisation

In order to help manufacturers demonstrate the conformity of their products with essential requirements and to make it easier to verify that conformity, it is advisable to apply harmonised standards during the design and manufacture of equipment, systems or safety devices – a product that is in conformity with harmonised standards is presumed to comply with essential requirements. The national standardisation body in Poland is the Polish Committee for Standardisation (Polski Komitet Normalizacyjny, PKN).

Please note that if any directive provides for the possibility of carrying out conformity assessments according to module A (internal production control), for example, allowing manufacturers to assess the conformity of their products by themselves on the basis of harmonised standards, and a hazard analysis and conformity assessment reveal that:

- the standards do not completely cover the hazard concerned,
- no standard currently covers the hazard concerned,
- at least one Member State has expressed reservations about the standard concerned or a part thereof,

and, as a result, manufacturers are unable to carry out a full conformity assessment on the basis of these standards, they have their products or parts thereof that have not been assessed due to the deficiencies in the standards examined by a conformity assessment body that will be able to carry out such examinations.

Irrespective of the above, manufacturers may always have such examinations carried out if, for example, there are any doubts as to whether they have correctly carried out conformity assessments.

Search engine for standards

<https://wiedza.pkn.pl/wyszukiwarka-norm>

IV. Requirements set out in the ATEX Directive

The ATEX Directive introduces requirements for equipment (capable of causing an explosion through its own potential sources of ignition) intended for use in an environment which is potentially explosive due to the presence of dust, and protective systems. These requirements apply also to safety devices intended for use outside potentially explosive atmospheres

V. Market Surveillance Authorities

The market surveillance authorities responsible for the ATEX Directive are:

National Labour Inspectorate (Państwowa Inspekcja Pracy)

<https://www.pip.gov.pl/pl/>

State Mining Authority (Wyższy Urząd Górniczy)

<http://www.wug.gov.pl/>

VI. Technical inspection

Selected equipment is also subject to technical inspection. The rules, scope and forms of technical inspection are set out in the Technical Inspection Act of 21 December 2000. The Office of Technical Inspection (Urząd Dozoru Technicznego) and specialised technical inspection authorities – the Transport Technical Inspection (Transportowy Dozór Techniczny) and the Military Technical Inspection (Wojskowy Dozór Techniczny) – are responsible for technical inspection.

Equipment subject to technical inspection

<https://www.udt.gov.pl/co-i-kiedy-podlega-dozorowi>