



EUROPEAN COMMISSION  
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Directorate: Construction, Machinery and Market Surveillance  
Unit: Machinery, Equipment & AI

## Meeting of the Commission Expert Group on Equipment and Protective systems for use in potentially Explosive Atmospheres - ATEX Directive 2014/34/EU

28<sup>th</sup> April 2025

### MINUTES

**Chair:** European Commission, DG GROW H2

**Participants:** see Annex I.

#### **1. Adoption of the draft agenda (Doc. ATEX EG/25/1 (COM))**

The Agenda was approved with the additional points requested by DE and with an update on the Notified Body Group meeting requested by ExNMG. These points were added in AOB.

#### **2. Adoption of draft minutes of previous meeting 17 May 2023 (Doc. ATEX EG/25/2 (COM))**

The draft minutes were uploaded on CIRCABC on 14 July 2023. They were approved without changes.

#### **3. Legislation related to ATEX sector**

##### **3.1 Regulation (EU) 2023/1670 on ecodesign of smartphones and tablets (Doc. ATEX EG/25/3/1 (GE))**

COM received two papers from Germany about a possible overlap of the ATEX Directive with two Regulations: Regulation (EU) 2023/1670 on Ecodesign of smartphones and tablets, and Regulation (EU) 2023/1542 on batteries and waste batteries.

GE presented their papers. They requested a derogation for ATEX products from the Regulation (EU) 2023/1670 arguing that essential repairs by non-experts, allowed under

this Regulation, could compromise explosion protection. If non experts play with the capsulation requirements for batteries, they will produce unsafe products.

**ORGALIM** gave a presentation on the Ecodesign Regulation, complementing Germany's papers. They emphasized safety over design for devices in explosive environments, warning that failure to amend the Ecodesign Regulation could lead to destroying a high-specialized, high-tech market and to end-users using dangerous products in Ex atmospheres.

**NO** raised concerns about portable ultra-high frequency ATEX radios with detachable batteries, noting that using batteries not specifically produced for these radios could render the devices unsafe and non-compliant with the ATEX Directive. While these alternative batteries may be less expensive and manufacturers might claim electrical and physical compatibility, their use ultimately voids the radio's ATEX certification.

**COM** confirmed acknowledged the explanation provided on the requirements for smartphones and tablets that will be placed on the market from the 20<sup>th</sup> June 2025 (applicability date). They added that they are working on a corrective act to clarify the language in the Regulation which was creating problems for the identification of minimum requirements for the compliance of products. This must be discussed with the Committee of MS before the applicability date. In addition, there is a public consultation on Have Your Say portal until 10 May, where it is possible to express the proposals. Any exemptions must be clearly defined to avoid grey areas.

**GE** noted the increasing complexity of requirements and suggested tools to analyse the interaction between the ATEX Directive and existing regulations.

**COM** stressed the importance of consultation with Member States and industry, acknowledging the need for caution regarding regulatory interactions and considering new tools to address these challenges. This issue will be discussed with the Committee of Member States as part of the approval process for the draft act.

### 3.2 Regulation (EU) 2023/1542 on batteries (Doc. ATEX EG/25/3/2 (GE))

**COM** In response to Germany's request for a derogation for ATEX products under the Batteries Regulation, the Commission provided clarification on the relationship between Article 11, which pertains to appliances, and the precedence of the Ecodesign Regulation on smartphones. They noted, as raised by Norway, that although ATEX products aren't explicitly mentioned, there exists a precedent for obtaining exemptions through a Delegated Act, particularly for instances where batteries need to be replaced by professionals. The Commission announced an open call for interest to introduce exemptions, inviting applicants to submit supporting evidence until April 30th. COM noted that Art. 11 will only apply from 2027.

**ORGALIM** expressed their approval of the Commission's focus on the ATEX derogation. The Commission further noted that potential challenges with the Batteries Regulation had been anticipated, and follow-up actions are planned.

### 3.3 General Product Safety Regulation (GPSR) 2023/988 (Doc. ATEX EG/25/3/3 (COM))

**COM** held a presentation on the GPSR, specifically explaining to what extent this applies to ATEX products.

**GE** raised issues regarding risk differences in private versus professional settings. They asked **COM** how they intend to tackle areas in the Directive, such as fuel pumping, which pose similar risks across environments.

**COM** explained that while GPSR covers products not regulated by sector-specific legislation, any new risk covered by existing ATEX Directives, such as cybersecurity risks or new risks, would fall under GPSR's scope. However, ATEX products, which are intended for professional use, should not be misclassified as consumer goods under GPSR. Chairman underlined that the upcoming Cyber Resilience Act, effective December 2027, will broadly cover various products, aiming to prevent industries from having to adjust to GPSR requirements at the last minute. It was also mentioned that fuel pumps are not affected, as cybersecurity pertains only to internet-connected products.

**ORGALIM** reiterated that ATEX products are designed for professional use, despite potential misuse by consumers. ExNBG representative supported Orgalim and provided other examples of ATEX products that can be misused by consumers, such as torches and other luminary products.

**LV** pointed out that Art. 19 for GPSR on the obligations for distance sales should also apply to ATEX products. They noted that online platforms should adequately inform consumers about products not originally intended for online sales, even if the ATEX Directive does not envisage such obligation for manufacturers.

**COM** commented that GPSR introduces requirements for online sales, as “placing on the market” also means placing products in an online marketplace, including those produced and sold online from third countries. Moreover, economic operators must ensure compliance with the GPSR also for products not intended for consumer use but that reach the consumer's market.

**CEN/TC305** highlighted the potential GPSR applicability for ATEX products available through online retailers.

**GE** recognized the need of a deeper analysis of the GPSR in relation to cybersecurity and distant sales and committed to prepare a discussion paper for the next EG.

**COM** acknowledged the agreement on the matter, and Chairman requested observations in writing by end of June and proposed to include this point in the agenda of next meeting.

#### **4. ATEX Application Guide (Doc. ATEX\_EG/25/4 (COM))**

**COM** The 5<sup>th</sup> edition of ATEX Application Guide was published on CIRCABC on 25<sup>th</sup> April 2024, along with the corresponding explanatory note, which is also accessible on the Europa website. In a presentation on the state of the art of the ATEX Guide, the COM presented the Explanatory note and highlighted updates in the Guide, reaffirming that the Guide is an open document and that proposals for modifications are welcome. New editions are issued when resources permit, incorporating conclusions from Expert Group meetings.

**GE** said they are preparing a German version so that can be used withing the COM. **COM** welcomed this version as beneficial, even though unofficial.

## **5. Modification of ATEX 2014/34/EU Guidelines (Doc. ATEX EG/25/5/1 (COM))**

### **5.1 § 33 - Used, repaired or modified products and spare parts**

**COM** The proposal to modify § 33 of ATEX guidelines was already discussed at the previous Expert Group meeting and the document was uploaded on CIRCABC. The proposal also includes contributions from EG members received in between meetings, and it aims to clarify that spare parts should not be confused with ATEX equipment and better define their role.

The guidance also emphasizes the employer's responsibility to ensure proper maintenance of ATEX products throughout their lifespan. The Commission proposed including a specific article in paragraph 33 to detail these obligations. Both Orgalim and Germany expressed support for the modification. EG members will have one-month post-meeting to submit final comments.

### **5.2 § 74 and § 151 - Format of instructions and EU Declaration of Conformity (Doc. ATEX EG/25/5/2 (COM))**

**COM** presented a proposal to modify § 74 and § 151 of ATEX guidelines concerning the format of instructions and the EU Declaration of Conformity. The proposal was already discussed at the last Expert Group meeting. **COM** explained why the guidelines should not prescribe a specific format of instructions for use and for the EU DoC, but rather give manufacturers the flexibility to determine the format based on the product's intended use and use environment. The current wording is general, with specific format details expected in upcoming legislation on simplification and digitalization.

**ORGALIM** filed a similar proposal, fully supporting the Commission's approach.

**SE** raised questions regarding language clarity and the timeline for the Omnibus, to which **COM** replied that the guidance aims to avoid redundancy with existing legislation, and additional information on the Omnibus would be provided in parallel with the Single Market Strategy publication on 21<sup>st</sup> May 2025.

**GR** expressed disagreement with the proposal, citing the Machinery Regulation as an example where specific digital format provisions are set. They argued that leaving format decisions to manufacturers without a regulatory framework could result in inconsistencies.

**COM** clarified that guidelines are meant to clarify, not alter legislation, which currently does not specify format requirements. They acknowledged the need for legislative action but stressed that imposing specific format requirements must occur at the legislative level. The Chairman affirmed that introducing new legal requirements via guidelines is beyond their authority. **Orgalim** agreed, noting the Directive's lack of specific format requirements.

### 5.3 § 253 – Electrical trace heating systems (Doc. ATEX EG/25/5/3 (COM))

**COM** presented Germany's proposal to modify § 253 concerning electrical trace heating systems in the ATEX guidelines. Germany proposed changes to ensure the guidelines align with the current state of the art. The modifications specifically address point 4, dealing with types of trace heating systems. Germany explained the changes aim to enhance clarity for manufacturers by maintaining the differentiation between types of heating cables, now using terminology from the Directive instead of standards. Participants have one month to provide written comments or objections.

### 5.4 § 38 – Examples of equipment not covered by Directive 2014/34/EU (Doc. ATEX EG/25/5/4 (COM))

**COM** A proposal was introduced to amend § 38 by clarifying that fuel pumps declared for domestic purposes fall outside the Directive 2014/34/EU. This topic was previously reviewed in ADCO meetings, concluding that manufacturers must clearly specify the intended use and warn against using non-recommended substances in the instructions. A fuel pump is excluded from the scope of ATEX Directive only when petrol use is explicitly prohibited in the instructions. Germany requested clarification on why liquids in atmospheres above 25°C, instead of the expected 22°C, are excluded, and suggested correcting a typographical error by changing the flash point from 52°C to 55°C. The Commission invited written comments within the designated one-month period.

## **6. Report by ATEX ADCO Group (Doc. ATEX EG/25/6 (ADCO))**

**ATEX ADCO group** presented an overview of its main activities.

## **6. Report by ExNBG Group (Doc. ATEX EG/25/6 (ExNBG))**

**ExNBG** presented a report concerning the highlights of their work, noting that three ExNBG meetings had occurred since the last ATEX Expert Group session. A significant topic of discussion was the guidance on the obligation of NBs to verify technical documentation. This issue arose when the Commission was approached for clarification, as some NBs faced discrepancies with national authorities regarding the interpretation of Article 13 of Directive 2014/34/EU. The main concern was whether the purpose of Article 13 was for NBs to have leverage in ensuring access to technical documentation from economic operators or manufacturers. Previous discussions concluded that NBs should indeed have the capability to receive and verify the presence and readability of documentation, although this verification is not an assessment of conformity. The Commission considers this matter resolved following written consultations and inclusion in the guidelines, even though the Group of Notified Bodies expresses disagreement.

**GR** aligned with the Commission's stance, while a representative from CEN/TC305, on behalf of the Group of Notified Bodies, noted a misunderstanding arose because the Directive does not explicitly state that NBs must verify technical documentation. **COM** clarified that while the obligation to verify is not explicitly stated, the Directive envisions that NBs should acknowledge the receipt of technical documentation, thus implying the verification of its presence.

**ExNBG** expressed confusion about their specific roles and compliance criteria, suggesting the development of guidelines with practical examples. They highlighted ongoing issues with national accreditation bodies regarding the recognition and acceptance of documents.

**COM** explained that it is not a conformity assessment procedure, but rather acknowledgment and communication to the manufacturer that the technical documentation is present.

**ExNBG** is collaborating with the European co-operation for Accreditation (EA) and plans to engage with the Horizontal Harmonisation Committee to improve document recognition. They aim to establish a cross-sector group of NB chairs to share experiences and address challenges in document acceptance, while also working to compile a list of state-of-the-art standards meeting health and safety requirements.

## **7. Standardisation**

**COM** The ongoing evaluation of Regulation 1025/2012 on Standardisation aims to assess if the Regulation fits for its purpose. The Commission Staff Working Document concluding the evaluation will be published soon. The evaluation is being made also in the light of recent judgment from the Court of Justice (CJ). It confirmed in March 2024 that the Commission cannot use copyright protection as a reason not to publish harmonised standards, emphasizing the public interest in making these standards accessible due to their role in presumption of conformity.

**CEN Technical Manager** presented on the development of the program supporting the ATEX Directive and standards, listing technical bodies and providing statistics on published and in-progress standards. There is a need to add new standards to standardisation request M/596 and amend the SR accordingly. Some existing standards may need deletion if they do not address essential health and safety requirements. Additionally, deadlines for publishing standards may require revision, alongside extending the mandate's validity.

**COM** requested formal motivation for these changes in the correct written form, noting that any amendments must follow the same procedure as the original mandate.

### 7.1 Report on the standardisation work in CEN TC 305 (Doc. ATEX EG/25/7/1 (CEN TC 305))

**CEN TC 305** representative presented a report on their organization and activities.

### 7.2 Report on the standardisation work in CENELEC TC 31 (Doc. ATEX EG/25/7/2 (CENELEC TC 31))

**CENELEC TC 31** representative presented a report on their organization and activities.

### 7.3 Citation of harmonised standards in the OJEU (Doc. ATEX EG/25/7/3 (COM))

Since the last Expert Group meeting, two harmonised standards have been cited in the Official Journal of the European Union (OJEU), with the latest publication on April 1,

2025. Some submitted standards were refused citation due to technical deficiencies or unclear normative referencing. The Commission highlighted the need for standards to meet specific criteria to be accepted for citation in the OJEU.

## **8. Any other business**

### **8.1 Interactions of new legislation with existing product legislation of the NLF**

**GE** raised a point about how regulations on ecodesign and batteries might interact with the essential health and safety requirements outlined in the New Legislative Framework (NLF). **GE** acknowledged the need for greater coherence, and the Commission responded by highlighting their efforts to avoid such issues through the Better Regulation Practise, which involves extensive consultation before adopting legislation. **COM** acknowledged the complexity of aligning over 20 pieces of NLF legislation and referenced the Competitiveness Compass, which aims to enhance EU competitiveness and prioritize legislative simplification.

**GE** also asked whether Digital Product Passport (DPP) is planned to be implemented into other NLF legislation?

**COM** responded that it intends to rollout the DPP for other NLF legislation in a future. However, it can be done only when a particular legislative piece is revised. **COM** will always have to consider also environmental benefits and associated costs. The idea of inclusion of the DPP into other NLF legislation was welcomed by **GE**.

## **9. Next meeting date**

Planned for Spring 2026

## ANNEX I.

### List of participants

<b>Members</b>	<b>D (Member States)</b>	BE	Belgium	FOD Economie Belgium	
		CY	Cyprus	Ministry of Labour and Social Insurance	
		CZ	Czechia	Office for Standards, Metrology and Testing	
		DK	Denmark	Safety Technology Authority	
		DE	Germany	Federal Ministry of Labour and Social Affairs	
		FI	Finland	Ministry of Economic Affairs and Employment	
		IE	Ireland	Health and Safety Authority	
		GR	Greece	Ministry of Development & Investments	
		LU	Luxemburg	Institut Luxembourgeois de la Normalisation, d'Accréditation, de la Sécurité et qualité des produits et services	
		HU	Hungary	Ministry of Technology and Industry	
		PL	Poland	Ministry of Entrepreneurship and Technology	
		RO	Romania	Ministry of Labour and Social Justice	
		SI	Slovenia	Ministry of the Economy	
		SK	Slovakia	Úrad pre normalizáciu, metrológiu a skúšobníctvo SR	
	SE	Sweden	Work Environment Authority		
		<b>E (Other public entities)</b>	NO	Norway	Labour Inspection Authority
			ORGALIM		Europe's Technology Industries
		CENELEC		European Committee for Electrotechnical Standardisation	
		CEN		European Committee for Standardisation	
		ExNBG		Co-ordination of Notified Bodies Directive 2014/34/EU	
<b>Commission services</b>	<b>Chair</b>	COM		GROW H/2	