How to pull a c

Every two months, SGS Baseefa Technical Manager Ron Sinclair MBE gives his perspective on the latest developments in the world of standards.

When I finished writing my article for the July Edition of Hazardex, I thought the subject of CE marking versus UKCA marking had finally been laid to rest. How wrong I was.

On 1 August, the Government released yet another about turn, this time making the UKCA marking apparently meaningless. Since the importance of the independence provided by the compulsory use of the UKCA marking had been trumpeted as one of the major triumphs flowing from Brexit, I think we are all justified in feeling a bit miffed. The whole UKCA marking debacle has cost industry millions of pounds, without one iota of increasing independence or any improvement in safety levels.

So, what happened? The Government press release just said that they had been listening to industry and decided that the end date for installation of CE marked equipment in most industries (including those involved with protection of equipment for use in hazardous atmospheres) would be postponed indefinitely.

The initial end date was 31 December 2021. This was replaced by 31 December 2022, then by 31 December 2024 (but maybe they actually meant 31 December 2027, if you read the small print). You will note that I can be confident that it is 31 December, not 1 January, as the end time on the end date is actually 23:00 hours, in order to align with midnight in Brussels.

The Government statement says that the intent is now that the end date should be postponed indefinitely. Note “postponed” rather than “cancelled”, so a slight uncertainty does remain.

Those of us in the ATEX/UKEX certification industry thought the original date was rather ambitious, and were relieved with the first delay. But the second date (December 2022) did seem achievable, as far as we were concerned.

What does cause more than a little concern is that, whereas most manufacturers with certificates issued by former UK Notified Bodies have kept them reasonably up to date, that is not necessarily true of many of the certificates issued by some of the other European Notified Bodies.

It is very dispiriting (and also concerning for safety) that some manufacturers are still selling ATEX products based on certificates issued over twenty years ago, listing standards in the EN50014 series, missing the opportunity to take advantage of changing technological knowledge where, in the words of the ATEX Directive (EHSRs, Preliminary Observation A) “Technological knowledge, which can change rapidly, must be taken into account as far as possible and be utilized immediately”. The current harmonised standards are considered to represent such up-to-date technological knowledge. The European Commission has recently reduced the permitted overlap between the previous edition of a harmonised standard, and its replacement, to 18 months, placing yet more emphasis in keeping up to date.

However, you can be certain that any product with a UKEX certificate does comply with current designated standards, as it was not deemed possible to just carry forward the contents of an out-of-date ATEX certificate. Bringing the assessment up to date has often added additional delays to the process, as sometimes completely new tests have had to be performed, even if some of the material from the original reports can still be reused. Conversely, the conversion to UKEX of an ATEX certificate meeting current standards can be comparatively quick and inexpensive.

My own certification body, SGS Baseefa, had a ready-made EU-based partner in SGS Fimko, based in Helsinki, to allow us to continue servicing ATEX work. Not all UK bodies were in our position, and some spent time and effort in creating new offices within the EU, to be able to continue supporting ATEX work. Some of the non-UK European bodies also spent time and effort setting up

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carpet from under...

offices in the UK, to be able to do UKEX work. At face value, all that would now seem to be a waste of time and resources, where the costs are inevitably passed on to the manufacturer.

The many, many manufacturers who have spent time and effort to ensure they would have UKEX certificates for their products before one or other of the deadlines, could now consider this to have been a waste of their time and money. Their competitors, who have been dilatory, and not yet achieved UKEX certification, have been handed an unfair commercial advantage by the UK government, as they have been spared the expense of meeting what the government had originally instructed them to do.

Certainly, none of the certification bodies were pushing for the creation of the UKCA mark. We were all hoping for a Mutual Recognition Agreement, and the continuation of acceptance of the CE marking throughout the whole of the UK.

This would have put us in the same position as the certification bodies based in Switzerland, fully able to participate in supplying ATEX Certificates directly to their customers, and having a seat (and therefore influence) at the EU Ex Notified Bodies Group (ExNBG) meetings.

I believe I am likely writing on behalf of my colleagues in other UK based certification bodies when I say that, despite all the U-turns by Government, we will continue to try and do the best we can for all our customers, including fully supporting those that have already achieved UKEX certification. I am sure they do not want yet further changes to labels, just to delete the UKCA mark! ■

About the author

SGS Baseefa's Technical Manager Ron Sinclair MBE will continue to attend the European Notified Bodies Group for ATEX (ExNBG), although representing SGS Fimko, their partner EU Notified Body, now that the UK bodies are excluded, as well as attending the equivalent UK Approved Bodies Group in the UK. He has recently retired as Chair of the IECEx Service Facility Certification Committee and as a member of the IECEx Executive. He is chair of the UK Standards Committee operating in this area for electrical equipment, and recently retired as chair of the European committee.