



# ATEX AND IECEX COVID-19 AND BREXIT

## Turbulent Times

**I am writing this at the end of May, just as the UK is contemplating a slow release from Lock Down, with the Coronavirus pandemic beginning to show the first promises of possibly being under control. In the last couple of months, we have seen the price of unleaded petrol at the pump in the UK fall below £1 per litre for the first time in many years and, for a very short time, one measure of oil price in the USA became negative.**

To this must be added the continuing uncertainty of how the UK and the EU will arrive at a negotiated settlement of future trading arrangements once Brexit is notionally completed on 31 December 2020. In the UK, this has largely been pushed out of the news by the pandemic, but it is worth speculating which will have the longer-term effect on the market for oil and the related industries servicing both the oil industry directly and other related markets.

Although I clearly see my company's activities in a wider context, I can only write with authority on the market for Ex Product Certification, where I have spent more than 40 years of my life. To my pleasant surprise, I have not been aware of many manufacturers of Ex Equipment calling for their projects to be cancelled or postponed. This must mean that the manufacturers of such equipment are either continuing to find live orders, or that they are prepared to invest for the future.

The last time we had significant financial turbulence, when the banks ran into trouble, we found that our customers roughly divided into three camps. About one-third were not affected, and of the two-thirds that did see a downturn in their market, about half drew their horns in and delayed certification projects, while the other half took advantage of a slight lull in production pressure to work on the development and certification of new products, so that they would be in a good position once the economy picked up again. Our certification workload, to a first approximation, remained constant.

Like most certification bodies, many of our staff are currently working from home. After a couple of days, the VPN was beefed up and, to all intents and purposes, working at home is the same as working in the office. Or is it? Yes, most documents are available electronically, but when searching through existing files, nothing beats handling the paper version, unless you know exactly what you are looking for. (And I don't have an A3 printer at home!)

And many of the casual conversations that help a business to run smoothly are not taking place. The quick "By the way, ....." when passing someone in the office, or you meet at the hot water dispenser, just does not happen when you have to send an email appointment for a Skype call, or lift the telephone. And sometimes it is the "By the way....." that resolve issues quickly. However, we

do seem to be maintaining efficiency. The few that are manning the office manage their social distancing, and those of us normally working at home are very careful not to upset them when we call into the office to exchange paperwork. At least there are no problems with parking spaces.

### International Meetings

A major part of my life is spent dealing with both the the IECEx International Certification System and the development of standards in IEC Technical Committee 31, that deals principally with the IEC 60079 series of standards that apply to equipment intended to be used in hazardous areas. So far this year, I should have had two weeks of IEC TC31 meetings planned for Chicago at the end of March and one week of IECEx meetings planned for Shanghai during May.

IECEX was the first to plan forward. By the middle of January, the May meetings had been shifted from Shanghai to Dubai. But this also proved abortive and we held a reduced four-day session using "Go to Meeting". After 22 hours spread over those four days, I was suffering from "headphone ears". Fortunately, many of us have been meeting regularly twice a year for some time, so voices were mostly easily recognised. One benefit of the remote meeting is that there is no competition to get a seat at the table which also allows a good view of the screen without getting a crick in the neck.

"Go to Meeting" is one of the older conference systems, but it stands up to the test of time, and IECEx already held the necessary licences.

BSI uses "Webex" and I had a poor experience with this earlier in the year, but it was a combined meeting, half the people at the meeting room in London and the other half remote. That hybrid situation requires a high degree of discipline from those in the room. I will have my first experience with Webex and all participants remote, for a BSI meeting in June.

Domestically, like many people, I have been using "Zoom". It may not have all the features of "Go to Meeting", or at least I haven't yet found them yet, but with free limited access it becomes a valuable tool.

IEC TC31 was slightly later to start planning. The decision was that face to face meetings are much more valuable than remote meetings, so the March meetings were postponed until October/November. Part of the rationale behind this was that so many participants had already booked flights and hotels, it was worthwhile going for the same location and a similar timespan, to enable the bookings to be transferred rather than cancelled, with varying prospects of getting refunds. Another benefit of the face to face meetings is the ability to chew things over with colleagues from other countries during the tea/coffee breaks. Many an impasse has been resolved that way, by clearing misunderstandings.

Meanwhile, IECEx has already converted its main Management Committee meetings, scheduled for Niagara in September, into remote meetings. Since there are usually a number of observers, bringing total attendance well over 100 to most sessions, it has already been agreed that anyone who is not an official delegate will have both their microphone and camera permanently disabled during the sessions, so all they can actually do is "observe".

One of the difficulties with international remote meetings is choosing the timing. In the end, we settled on 12.00 – 18.00 UTC (13.00 – 19.00 BST) as that meant that timing was reasonable in Europe and Eastern USA. Those in California had to get up early and those in Australia and China had to go to bed (very) late.

### Developments at IECEx

With only some of the previously scheduled meetings taking place in May, there was perhaps less overall development of the system, but many routine matters were dealt with, including preparing for a relaunch of the IECEx Mark. The existing system for application of the Mark to a product is seen as too cumbersome, so the new scheme will simplify the process, both for the manufacturer and for the certification body. It is hoped to present the final details to the Management Committee in September, ready for early implementation.

IECEX is increasingly the certification scheme of first choice for most manufacturers. IECEx certificates have formal legal acceptance in Australia, New Zealand, Singapore, India and Israel,



IEC TC31 is concerned with the health issues of continuing to use a cadmium disk as the main test resource for intrinsic safety

but additionally are accepted either directly or indirectly in most countries in the world. Once you have your IECEx documentation, this becomes transportable for the purpose of obtaining minimum cost local certification where this is a legal necessity. This applies particularly in Europe, where many of the IECEx certification bodies are also EU ATEX Notified Bodies and can issue both certificates for little more than the cost of one version on its own. A number of countries have given IECEx a special status (if not directly accepted), typically Russia and the other members of the Eurasian Customs Union, Brazil (for Inmetro requirements) and the UAE.

Manufacturers can apply directly to certification bodies in those countries, with the IECEx documentation forming the basis of the application, or they can work through their IECEx certificate issuing body and a number of Mutual Recognition Agreements. At SGS Baseefa, we are particularly well placed to guide entry to the UAE market as our partner, SGS Gulf, is uniquely recognised by the Emirates government, in a similar way to Notified Bodies in Europe. Although additional local documents are required, the system removes the need for repeated testing and separate ongoing manufacturing surveillance. The world is also getting to grips with the new Chinese CCC certification. Again, IECEx documentation can form the basis of moving forward, and we have auditors qualified in the CCC system that can combine IECEx, ATEX and CCC audits during the same visit.

### Developments at IEC TC31

Because of the postponed two weeks of meetings, it might seem that work has stopped. But this is not the case. There are a number of standard revisions in progress at the moment, and some of the Maintenance Teams are using remote working to try and make the progress they would have done in Chicago in March.

One of the bigger on-going tasks is the complete re-ordering of the Intrinsic Safety Standard IEC 60079-11. The way the standard grew over many years led to some inconsistencies of approach, and it was decided that only a complete rewrite of the standard, in a more logical order, would resolve the problems. A number of separate task groups have been looking at different parts of the standard, preparing text for consideration by the full Maintenance Team. Particular interest relates to finding an alternative to the cadmium disk used in the IEC Spark Test Apparatus.

### Brexit

Because of Covid-19, we have heard very little of the trade discussions that should have been taking place over the past months. It is easy to assume that all is happening "at pace" and that no news is good news. The term "at pace" seems to be a recent political invention, intended to enable the government to convince the electorate that it is working speedily and effectively. I wish those using the term remembered that "pace" can be slow as well as fast and the original use of that phrase was "at a snail's pace"!

Although the UK has effectively already avoided two "cliff edge", "No Deal" Brexit dates, the real crunch will come on 31 December 2020. The deadline for negotiating an extension beyond that date is almost upon us, and there does not seem to be either any sense of urgency to get things done, or to request a delay. Therefore, it begins to look prudent to make plans on the assumption that the cliff edge has caught up with us. That prudence may be a waste of resources, but it should be regarded in the same way as we pay our insurance premiums. We hope for the best, but prepare for the worst.

If the worst happens, all UK Notified Bodies will lose their European status on 31 December.

The UK government prepared for this, before that first cliff edge, and published a draft of the new UK regulations that would take over from the current UK regulations that implement ATEX and many other directives. They were ready, if needed, for publication last autumn. We understand that a revised version of this document is in preparation, and that some of the reason for the delay is in resolving issues related to the special status of Northern Ireland. What follows is based on the over one year old draft, in the expectation that any changes will have little effect on most of the content.

If UK bodies lose their Notified Body status on 31 December, they will immediately (i.e. without any delay) be appointed as UK "Approved Bodies" with the same responsibilities and authority in the UK that they previously held throughout Europe. They will issue UK only certificates that give the manufacturer a way of applying the new UKCA mark to their product. That mark will become effective on 1 January 2021.

# UK CA

The government is also aware that to ban the use of the CE Marking in the UK from 1 January 2021 would cause utter chaos, so it will allow products to be placed on the market in the UK for a restricted period following 1 January 2021, in order to give manufacturers time to get UKCA documentation for their products. They have not yet indicated the length of that restricted period, though both 18 months and 2 years have been mentioned in conversation in the past. However, unless the wording changes, or unless you already have a Notified Body certificate from elsewhere in Europe, you will need the UKCA certificate from day one. This seems to be the UK government discriminating against UK manufacturers and certifiers, so we hope it changes.

Every active UK Notified Body for ATEX has arranged a partner laboratory elsewhere in the EU and a scheme for easy transfer of certification. This means that you can have documents in place ready for 1 January, for sales in both the UK and the EU. In my own company's case, SGS Baseefa is partnered with SGS Fimko, based in Helsinki, and we have already transferred certification for many of our customers.

By close cooperation between SGS Fimko and SGS Baseefa, we aim to make the process of transfer and servicing of certificates as easy as possible for our customers. All certificates remain in the English language.

Of course, I could be wrong, and there is no need for the insurance policy. Watch this space.

### About the Author

Ron Sinclair has been active in the certification of equipment for use in explosive atmospheres for over 40 years. Previously a designer of large electrical machines, he has developed expertise in all types of Ex protection while working for the UK Health and Safety Executive's Baseefa and EECS. When HSE decided to terminate the certification activity in 2001, Ron led the staff into the creation of a re-formed Baseefa as a private company. Subsequently, Baseefa joined SGS, the world's major supplier of test, certification and inspection services, with over 90,000 employees across the world.

Ron is active in standards development for hazardous area equipment: he is Chairman of BSI Committee EXL/31; Chairman of Cenelec Committee TC31; and a major contributor to the development of IEC standards. He attends the European Commission's ATEX Standing Committee Working Group, and is well placed to interpret the latest thinking from the legislators. He is a member of the IECEx Executive, chairing the ExSFC committee, responsible for the certification of service providers, such as repair workshops.

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