

Kiwa GAR Update 1

The New Gas Appliance Regulation (GAR)

Introduction

On 21st April 2018, a new regulation for appliances burning gaseous fuel will be fully applicable. Manufacturers will need to declare conformity to this regulation from this date.

What is happening?

Regulation (EU) 2016/426 on appliances burning gaseous fuels (GAR) entered into force on 21 April 2016 and will be fully applicable on 21 April 2018 and will replace on this date the existing Directive 2009/142/EC (GAD).

Why?

The GAD was originally implemented in 1993 and modified in 2009. Experience gained from implementing the Gas Appliances Directive showed the need to make some modifications in order to provide clarity and ensure legal certainty, particularly with regard to definitions and the scope of the Directive. Furthermore there is a need to respond to technical developments and innovations.

Who is affected by this new regulation?

Manufacturers, importers and distributors of:

- (1) gas appliances - appliances burning gaseous fuels used for cooking, refrigeration, air-conditioning, space heating, hot water production, lighting or washing, and also forced draught burners and heating bodies to be equipped with such burners;
- (2) 'fittings'- safety devices, controlling devices or regulating devices and sub-assemblies thereof, designed to be incorporated into an appliance or to be assembled to constitute an appliance;

What is the meaning of a Regulation?

According to the scope, essential requirements and conformity assessment procedures have to be identical in all member states; there is almost no flexibility in transposing a directive based on the new approach principles into national law. A regulation is the appropriate legal instrument as it imposes clear and detailed rules which do not give room for divergent transposition by member states and thus ensures uniform implementation throughout the Union.

What are main changes?

- The GAD exclusion for appliances having a normal water temperature exceeding 105 °C has been removed.
- Products will need to be compliant with generally acknowledged "state of the art".
- Manufacturers must now conduct and document a risk assessment of their appliance or fitting to comply with the GAR. As part of this, manufacturers must take into account 'reasonable foreseeable use'.
- The product shall be designed by selecting the most appropriate solutions to risk in the following order: eliminate, protect and inform.
- Appliances intended for use indoor spaces and rooms shall be designed and constructed to prevent the release of unburned gas in all situations which could lead to a potentially dangerous situation. Specifically, a flame safety device is no longer requested as an essential requirement.
- Appliances designed and constructed to burn gas containing carbon monoxide or other toxic components shall not present a danger to the health of persons and domestic animals exposed. The wording for this essential requirement is quite general, and does not refer specifically to flue-less appliances.
- Appliances shall be so designed and constructed as to obviate any gas-related risks due to hazards of electromagnetic phenomena (reference to EMC-Directive and Radio Equipment Directive). The wording regarding the hazards of electrical origin (reference to the LVD) has been improved.
- The installation instructions of the certified product shall clarify the professional skill required during the installation and maintenance of the product.

- The GAR now explicitly identifies the ‘materials and parts...intended for human consumption’. In case of relevance, the manufacturer shall prove that materials and parts of an appliance shall not impair the quality of the food or drinking water.
- The certificate will have a maximum validity period of ten years from date of issue.
- The GAR requires CE Marking and inscriptions for fittings. The EU Declaration of Conformity should include instructions on how to incorporate the fitting into an appliance.
- An importer or distributor shall effectively be considered a manufacturer and subject to the obligations of the manufacturer, where an appliance or fitting is placed onto the market under their name or trademark or modifies a product already placed on the market in such a way that compliance with the regulation may be affected.

What's next?

Detailed clarification and interpretation is needed for many of the new aspects as mentioned in the GAR such as:

- How can a manufacturer prove ‘state of the art’;
- What should a risk assessment look like? What should be included and what can be left out.

For this a European Working Group has been set up reporting to the GAD-AC (GAD-Advisory Committee). This working group comprises representatives of the industry, and Notified Bodies. The working group has had several meetings during recent months and drafted a list of questions and answers (FQA). The aim of this FQA is that the EU Commission will issue a GAR implementation guide – other regulations also have an implementation guide as well. For this reason the draft FQA was sent to the EU commission for comment and for further improvements. The draft FQA will be discussed during the next GAD-AC meeting at the end of November.

Kiwa is an active member of the working group and of GAD-AC. We will keep you fully informed on the implementation of the GAR.

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