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International regulatory cooperation

Progress report on the Sectoral Initiative on Explosive Environments Equipment

Note by the secretariat¹

Summary

Facilities such as mines, refineries, chemical plants and mills expose their workers and the surrounding areas to high risks. To minimize these risks and contain their potential consequences, all equipment used in these environments needs to be designed, installed, maintained and repaired in such a way as to avoid the risk of causing an explosion. The goal of the Sectoral Initiative is to promote and increase safety, while at the same time eliminating barriers to the free trade and use of the equipment.

This document contains a status update on the Initiative. It is submitted to the Working Party for discussion and adoption.

¹ At its eighteenth session, the Working Party asked the secretariat to provide annual updates on the work of all the sectoral initiatives (ECE/TRADE/C/WP.6/2008/18, para. 63).



I. Project objective and key deliverables

1. Over the last few years, accidents and explosions in mines and offshore facilities throughout the world have cost many lives and caused unprecedented environmental damage. This highlights the urgent need to increase safety in all environments that expose workers and the surrounding areas to high risk. The equipment used in these environments should be made as safe as possible to minimize the risk of explosions and to contain their potential consequences.
2. Such equipment is highly sophisticated. Checking that it conforms to international best practice and current regulations is a complex task, even for those regulatory authorities who have substantial resources and modern equipment at their disposal.
3. Regulators therefore need to cooperate closely with the industry and independent third-party conformity-assessment bodies, since it is in these two communities that expertise is continuously being updated in accordance with technological progress.
4. The main goal of the Sectoral Initiative on Explosive Environments Equipment is to promote and enhance safety, while at the same time eliminating barriers to the free trade and use of the equipment.
5. Specifically, the purpose of the Sectoral Initiative is to develop and promote a common regulatory framework for the “Equipment for Explosive Environments” sector. The framework includes not only common regulations, but also common and agreed conformity-assessment practices and market-surveillance procedures. As it is based on a shared understanding of the regulatory objectives to be pursued, it will be referred to in the text as “common regulatory objectives” (CROs).

II. Main achievements of the Initiative up and until 2014

6. At its twentieth session, in 2010, the Working Party approved a revised version of the CROs. This version was published in a bound brochure thanks to support in kind from the International Electrotechnical Commission. The brochure – which can be downloaded from the UNECE and on the IEC websites – was launched by the two organizations in April 2011 (see press release: http://live.unece.org/press/pr2009/09trade_p11e.html).
7. A translation of the Common Regulatory Objectives into Arabic, Chinese, French, Portuguese, Russian and Spanish were made available by the IEC in 2013 and are available on the WP.6 website: http://www.unece.org/fileadmin/DAM/trade/wp6/SectoralInitiatives/EquipmentForExplosiveEnvironment/SIEEE_CRO_ENG.pdf
8. Additionally, in 2011, the Sectoral Initiative prepared guidelines for market surveillance authorities responsible for equipment used in Explosive Environments (Hazardous Locations). The guidelines are also available on the WP.6 website http://www.unece.org/fileadmin/DAM/trade/wp6/SectoralInitiatives/EquipmentForExplosiveEnvironment/SIEEE_Guidelines_ENG.pdf). They will be further discussed and approved to form part of a revised version of the CROs.
9. Other reference materials prepared by the Sectoral Initiative are:
 - a compilation of the legal framework in force in this sector on the world main markets in the sector Explosive Environments, available as an annex to document

ECE/TRADE/C/WP.6/2009/6, and posted on the website: http://www.unece.org/fileadmin/DAM/trade/wp6/documents/2009/wp6_09_006E.pdf

- a project proposal for organizing capacity-building events worldwide to raise awareness by regulators of the high risks and challenges that are inherent to the sector, and highlighting best practice in industry, standardization and certification bodies. The project proposal is available as an annex to ECE/TRADE/C/WP.6/2010/12, available at http://www.unece.org/fileadmin/DAM/trade/wp6/documents/2010/wp6_10_012e.pdf
- an update of the Questionnaire, about the regulations and procedures about the equipment in explosive environments of various countries undertaken by the project team in 2013 and also available at <http://www.unece.org/trade/wp6/sectoralinitiatives/equipmentforexplosiveenvironment/sieee.html>.

10. Furthermore, the Initiative has organized and co-organized in cooperation with IECEEx a number of awareness-raising events, including in the last biennium:

- the IECEEx International Conference (Dubai, United Arab Emirates, 20-21 March 2012);
- a Workshop for regulatory authorities of Latin American countries and BRICs countries on the whole life-cycle approach of IECEEx certification schemes for explosive atmospheres” (18 September 2013, Fortaleza, Brazil).

III. Meetings and awareness-raising activities in 2014

11. In February 2014, IECEEx and UNECE co-organized an International Conference in Kuala Lumpur (Malaysia) aimed to promote the UNECE regulatory framework among regulators from countries in South-East Asia. The event attracted more than 100 participants from 24 countries including 9 developing and 2 least developed countries. During the opening address, the Deputy Minister of Science, Technology & Innovation of Malaysia highlighted the importance of the UNECE initiative and the IECEEx system for the Malaysian oil and gas industry. The representatives responsible for Ex infrastructure in Malaysia and the Asia Pacific Region and of the private sector praised the comprehensive certification system of IECEEx (which covers products, competence of service companies and persons) and said that more and more industry representatives were aligning their company rules with the options of the IECEEx system, and more and more Malaysian experts of the Ex community would join the UNECE initiative and the IECEEx system.

12. In September 2014, the International Electrotechnical Commission System for Certification to Standards relating to Equipment for Use in Explosive Atmospheres (IECEEx System) and the UNECE WP.6, together with the NEC (Netherlands Electrotechnical Committee), jointly organized in the Hague (the Netherlands), a “Discussion Forum on the possibility of adopting the UNECE legal framework in order to grow global trade” in the sector of Equipment and Services used in environments with Explosive Atmospheres.

13. It brought together more than 100 experts, with the objective of making safer the industries in which explosions could occur, and of facilitating trade in related products and equipment. At the Workshop, the Coordinator of the Sectoral Initiative and the WP. 6 secretariat presented the Common Regulatory Framework. The comprehensive approach of UNECE Model L Regulation was discussed as the basis for global rules for this important sector.

14. One representative of the European Commission services, from the Directorate-General for Enterprise of Industry, in charge of the management of the ATEX Directives 94/9/EC and 2014/34/EU, participated in the event, and discussed with international experts

on the possibility of acceptance of IECEx Certificates of Conformity and the UNECE legal framework. He underlined that, at present it would not be possible to consider the UNECE-SIEEE provisions or the IECEx scheme as an "alternative" as such to the EU system.

15. Nevertheless, he considered very interesting and useful to favour opportunities of convergence between the different systems, as they are mostly based on the same standards (especially in the electrical sector) and a significant number of IECEx conformity assessment bodies are also Notified Bodies under the ATEX Directive and said that further efforts toward convergence also in the regulatory framework should be praised. This is important also in view of the recent evolution of the EU legislation in the field, with the new ATEX Directive aligned to the New Legislative Framework, as well as the ongoing "REFIT" exercise to improve EU law, making it simpler and more adequate to the need of all the users.

16. The Commission will continue to attentively follow-up the sectorial activities developed by UNECE and the IECEx system with their meetings and documents, as well as with systematic reports at the meetings of the ATEX working parties (Committee, Working Group, etc.) and the related communication resources (EUROPA website, CIRCABC system)

17. The next joint UNECE-IECEx Workshop is planned for September 2015, in New Zealand.

18. The Sectoral Initiative also plans to develop in further detail procedures for the practical application of the CROs so that regulators can more readily understand and implement them.

IV. Deliverables for the annual session

19. The main outcome of the work of the Initiative in 2014 is the promotion of the common regulatory framework to counterparts, within the UNECE region as well as globally.

20. The Working Party is invited to further discuss how to promote increased convergence in the regulatory frameworks applied in this sector, using the CROs prepared by the Sectoral Initiative.

V. Responsibility for the continuation of the work

21. The current Coordinator of the Sectoral Initiative is Mr. Frank Lienesch.

VI. Role of the secretariat

22. The secretariat will continue supporting the work of the Initiative by trying to raise funds for organizing capacity-building events worldwide to raise awareness by regulators of the high risks and challenges that are inherent to the sector, servicing its meetings (prepare the invitations, agendas, preparing supporting documents and reports) and keeping the website up to date. The secretariat could assist the Convener in maintaining and developing contacts with the counterparts of the Initiative in national Governments and regional groups.