



Council Directive of 29 June 1990 on the approximation of the laws of the Member States relating to

**APPLIANCES BURNING GASEOUS FUELS
90/396/EEC (GAD)**

Amended by: Council Directive 93/68/EEC of 22 July 1993

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Gas Appliances Directive – GAD

The GAD

- constitutes a legal framework for gas appliances in the EU
- covers the placing on the market and putting into service
- regulates gas risks, which implies that other directives may apply to gas appliances and fittings (e.g. LVD, EMC, CPD,...)



Article 1 - the Scope:

- Gas burning appliances used for cooking, heating, hot water production, refrigeration, lighting or washing, and forced draught burners and heating bodies to be equipped with such burners
- Fittings, i.e. safety, controlling and regulating devices and sub-assemblies, ...separately marketed for trade use and designed to be incorporated into an appliance ... or assembled to constitute such an appliance
- ...definition for 'normally used' given



Article 1 - the Scope:

Excluded from the Scope:

- ... where applicable, a normal water temperature exceeding 105°C, ...
- Appliances specifically designed for use in industrial processes carried out on industrial premises...

Identified Issues – the Scope:

- Current wording and its interpretation (e.g. “burning”, “heating”,...)
- Products not covered (e.g. heating of materials, normal water temperature exceeding 105°C, power production,...)



Article 2:

- Member States (MSs) shall take all necessary steps to ensure that the appliances referred to in Article 1 may be placed on the market and put into service only if, when normally used, they do not compromise the safety of persons, domestic animals and property.

In addition to transposing the GAD, proper implementation is required in order to ensure smooth functioning of the whole system



Article 2 - Gas Types & Supply Pressures:

- The types of gas and corresponding supply pressures vary from one MS to another (not harmonized)
 - MSs shall communicate the types of gas and corresponding supply pressures and any changes to the EC and the other MSs
 - Publication in the OJEU (C 296/2 1.12.2004)
- Impact on the design of appliances and fittings
- The information required by the GAD is not sufficient



Article 3 - Essential Requirements (ERs):

- Appliances and fittings shall satisfy the applicable Essential Requirements (ERs) in order to ensure that they are safe
- ERs in Annex I to the GAD
 - general (e.g. instructions, markings) and specific (e.g. materials, design, release of unburned gas / combustion products) requirements
 - define the results to be attained (safety objectives)
 - do not specify technical solutions (flexibility)



Article 4:

- Member States may not prohibit, restrict or impede the placing on the market and the putting into service of appliances which comply with all the provisions of the GAD...

Article 5:

- Presumption of compliance with the essential requirements ...currently normally when appliances and fittings conform to harmonised EN standards



Harmonized Standards

- Using harmonized standards is voluntary
- They are specifications adopted by European standards organisations
- A presumption of conformity with the ERs provided that:
 - their reference published in the Official Journal
 - they have been transposed on national level

Article 6:

- Formal objection to Harmonized Standard / withdrawal of the presumption of conformity



Article 7 – Safeguard Clause:

- If a Member State finds that normally used appliances bearing the CE marking might compromise the safety... it shall take all appropriate measures to withdraw those appliances from the market... (see => Market Surveillance)
- ... shall ... inform the Commission
- enters into consultation with the parties concerned
- Commission's opinion = conclusion
- Member States are informed



Article 8 + Annex II:

- Means of certification of conformity / Modules
- Products must be subjected to a Conformity Assessment (Modules B, C, D, E, F and G available)
- All of these involve Notified Bodies
- Relates always both to the design and production phase
- After completion of the procedure: affixing of the CE marking on the appliance (fittings shall not bear the CE marking)



Article 9 - Notified Bodies (NBs)

- Criteria in Annex V
- Designated by the Competent Authorities (CA) of MSs
- Tasks relating to the Conformity Assessment
- NBs are subject to surveillance (monitoring) by their CA

Article 10 – CE marking of the Conformity

- The CE marking of conformity and the inscriptions are set out in Annex III



Article 11 – Unduly affixed CE marking

Articles 12-15 – Final Provisions

Market Surveillance

- Purpose to verify that the provisions of the GAD are complied with across the EU, to ensure a common level of safety, and to eliminate unfair competition
- Obligation to MSs to organise Market Surveillance



Guidance Sheets

- Not legally binding, BUT represent a reference for ensuring consistent application of the GAD
- Reflect the consensus views reached between EC, Member States, Notified Bodies and industry
- Not exhaustive - focus on certain issues only
- Developed in the GAD - Advisory Committee, endorsed by the Member States Working Group on Gas Appliances

(Guidance Sheets are available on the web)



Thank you for your attention!

