



## ATEX TRADE AGENT

An ATEX trade agent is a person who places a product on the market under his own name but is not the original equipment manufacturer (OEM) of that product. The name and address of the trade agent (not the OEM) is included on the product marking label.

It is common practice for an OEM to supply product 'badged' in the name of an ATEX trade agent. In this case it is the ATEX trade agent who takes full responsibility for compliance with Directive 2014/34/EU, including conformity assessment, CE marking, preparing the declaration of conformity etc.

## Manufacturer's Responsibility

The European Commission's 'Blue Guide' on the implementation of EU product defines the manufacturer as **'any natural or legal person who manufactures a product or has a product designed or manufactured, and places it on the market under his own name or trademark'**.

It is the manufacturer's responsibility to demonstrate and declare compliance with Directive 2014/34/EU.

The responsibilities of the manufacturer apply also to any natural or legal person who assembles, packs, processes or labels ready-made products who places them on the market under his own name or trademark.

Therefore, the responsibility for compliance rests with whomsoever appears on the product label as 'the manufacturer', irrespective of whether this is the OEM, assembler or labeller.

## Conformity Assessment Procedures

A trade agent may apply for a second EU Type Examination certificate for Category M1, 1, M2 or 2 electrical equipment or internal combustion engines. The second EU Type-Examination certificate will be issued in the name of the trade agent.

The trade agent will need to satisfy to the ATEX Notified Body that it is responsible for, and in control of, production by providing the following information:

- An application form signed by the trade agent.
- A copy of the original EU Type Examination certificate.
- A declaration by the OEM that the product to be placed on the market in the name of the trade agent will be identical to that described in the original EU Type Examination certificate.
- A declaration by the trade agent that the product to be placed on the market in his own name will be identical to that described in the original EU Type Examination certificate.
- Confirmation by the trade agent to comply with the Regulations Applicable to the Holders of Sira Certificates.
- A copy of the contractual agreement between the OEM and the trade agent.
- An extract or copy of the product instructions that comply with the Directive.

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On receipt of this information CSA Group will allocate a new certificate number and will request a new product marking label drawing from the trade agent.

The second EU Type Examination certificate issued to the trade agent will include a reference to the original EU Type Examination certificate.

### **Product/Production Quality Assurance**

All manufacturers and trade agents are required to comply with the production control requirements defined in Directive 2014/34/EU.

In addition to holding an EU Type Examination certificate in his own name, the trade agent is also responsible for appointing a Notified Body to approve and carry out surveillance of the trade agent's quality management system insofar as it relates to the production phase. It is this Notified Body whose number will appear after the CE marking on the trade agent label.

The trade agent will need to demonstrate that it is in control of production by maintaining a Product/ Production Quality Assurance Notification of appropriate scope for the product(s) concerned.

An application to CSA Group by a prospective ATEX trade agent for a Product/ Production Quality Assurance Notification will require an audit at the trade agent's premises. This audit will be somewhat limited in its scope but will include a full review of the contract between the OEM and trade agent. Furthermore, such requirements as customer-related processes, preservation of product and control of non-conforming product will be reviewed.

### **An Alternative Approach**

Directive 2014/34/EU requires that product marking includes the '***name and address of the manufacturer***'.

It is possible for an OEM to apply the name or name and address of a trade agent to the product label in addition to that of the OEM. The name and address of the OEM may appear subordinate to that of the trade agent. The name and address of the OEM shall be identified on the product label legibly and indelibly. Under these circumstances the trade agent need not apply for a second EU Type Examination certificate or Product/ Production Quality Assurance Notification in his own name because the responsibility for compliance rests with the OEM.

The OEM shall apply to CSA Group for a variation to the original certificate by providing CSA Group with the following information:

- An application form signed by the OEM.
- Two copies of the revised product marking label drawing.

### **More Information**

For further information please contact us.

\*THIS DATASHEET IS LIMITED TO THE APPLICATION OF ANNEX III, IV AND VII OF DIRECTIVE 2014/34/EU.

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