



Definition of an ATEX Trade Agent?

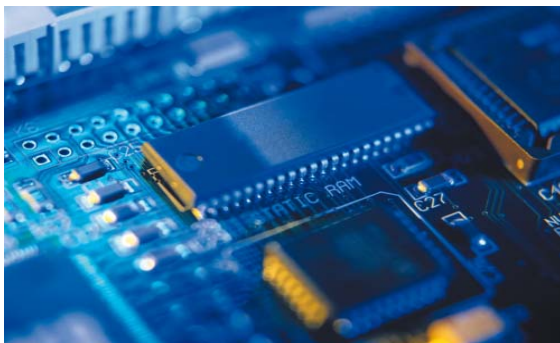
An ATEX trade agent is a person who places a product on the market under his own name but is not the original equipment manufacturer (OEM) of that product. The name and address of the trade agent (not the OEM) is included on the product marking label.

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 94/9/EC, including conformity assessment, CE marking, preparing the declaration of conformity etc.

Manufacturer’s Responsibility

The European Commission’s “Blue Guide” defines the manufacturer as the ***“person responsible for designing and manufacturing a product with a view to placing it on the Community market under his own name.”***

It is the manufacturer’s responsibility to demonstrate and declare compliance with directive 94/9/EC.



The responsibilities of the manufacturer apply also to any person who ***“assembles, packs, processes or labels ready-made products with a view to them being placed on the Community market under his own name”***.

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 EC type-examination certificate for Category M1, 1, M2 or 2 electrical equipment or internal combustion engines. The second EC type-examination certificate will be issued in the name of the trade agent.

The trade agent will need to satisfy Sira that it is responsible and in control of production by providing the following information:

- An application form signed by the trade agent.
- A copy of the original EC 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 EC 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 EC 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.

On receipt of this information Sira will allocate a new certificate number for the second EC type-examination certificate. Sira will request a new product marking label drawing from the trade agent and also an extract or copy of the product instructions that comply with Directive 94/9/EC, Annex II, Clause 1.0.6.

The second EC type-examination certificate issued to the trade agent will include a reference to the original EC type-examination certificate.



Product/Production Quality Assurance

All manufacturers and trade agents are required to comply with the production control requirements defined in Article 8 of directive 94/9/EC.

In addition to holding an EC type-examination certificate in his own name, the trade agent is also responsible for engaging 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 satisfy Sira 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 Sira 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 94/9/EC, Annex II, Clause 1.0.5 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 EC type-examination certificate or Product/Production QA Notification in his own name because the responsibility for compliance rests with the OEM.

The OEM shall apply to Sira for a variation to the original EC type-examination certificate by providing Sira 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 on ATEX Trade Agents, or to request a fixed price quotation for Trade Agent projects, please contact Sira:

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* THIS DATA SHEET IS LIMITED TO THE APPLICATION OF ANNEX III, IV AND VII OF DIRECTIVE 94/9/EC.