

**Brussels, 22 March 2011**

## **Revision of the Gas Appliances Directive (GAD) 2009/142/EC**

### **Introduction**

Orgalime represents the interests as a whole of the suppliers of equipment and technology falling under the GAD.

With the revision and the proposed extension of the scope, a far wider range of this equipment will no doubt be subject to the GAD.

Orgalime therefore welcomes the opportunity to participate in this revision of the GAD and would like to comment on the “Draft text future GAD”.

This position paper includes both issues which Orgalime has commented in its previous position papers<sup>1</sup> as well as new ones which take into account the latest discussions within the Working Group (WG) “GAD Revision”.

Orgalime would like to update its comments accordingly.

**Revision of the Gas Appliances Directive (GAD) 2009/142/EC – Draft ORGALIME comments on “Draft text future GAD” – Reference Document: “WG GAD Rev Outcome of the meeting 2011-02-01”**

### **CHAPTER 1 “Scope, definitions, placing on the market and free movement”**

#### **Article 1**

Art.1, 7<sup>th</sup> paragraph “The following is excluded from the scope”: although we understand that GAD is considered as the most specific legal instrument dealing with gas risks whereas the Machinery Directive (2006/42/EC) deals with a wider range of aspects, Orgalime would ask the Commission to take into account our concerns regarding the possible inclusion in the new scope of GAD of “Gas fuelled propulsion machinery (or “appliances”) covered by the Machinery Directive (2006/42/EC)”.

As already expressed in our comments of 19 July 2010, the hazards of using gaseous ***fuels*** are covered by Annex I, paragraphs 1.5.6 and 1.5.7 of Directive 2006/42/EC. During the WG GAD Revision meeting of 9 September 2010, this topic was discussed and participants pointed out that with the new definition of the scope of the GAD, a deep analysis on the products to be covered needs to be carried out in order to draft a proper list of exclusions. The idea of drafting a positive list has derived, among others, from these considerations.

Therefore, if the proposed exclusion cannot be added to the list at Art.1.7, Orgalime would urge the Commission not to include the above mentioned category in the positive list which is currently under consultation as we mentioned previously<sup>2</sup>.

---

<sup>1</sup> [Orgalime position paper 10 June 2010 - Revision of the Gas Appliances Directive \(GAD\) 2009/142/EC](#)

<sup>2</sup> [Orgalime position paper 19 July 2010 – Revision of the Gas Appliances Directive \(GAD\) 2009/142/EC](#)

<sup>2</sup> Please refer to “ORGALIME answer to the European Commission consultation on the list of products covered by the proposed future definition of the scope of the Gas Appliances Directive – 21 January 2011” where Orgalime already asked to delete the whole category of “Grass cutting machines” from the positive list or, at least, to have a better definition of this category product to avoid any kind of misinterpretation.

We take this opportunity to thank the Commission for having taken on board the Orgalime proposal for drafting a positive list of appliances and components falling within the GAD, as requested in our comments dated 19 July 2010.

## ANNEX I – ESSENTIAL REQUIREMENTS

### 3.1 General

#### Paragraph 3.1.6

Orgalime asked for the introduction of the abnormal fluctuation of pressure and combustion properties of the primary energy, since paragraph 3.1.6 only gives requirement for abnormal fluctuation or failure of auxiliary energy (please refer to the Orgalime comments of 19 July 2010).

During the WG GAD Revision meeting of 9 September 2010, it was agreed that in the context of paragraph 3.1.6 it is justified to refer to both “normal” and “abnormal” conditions because both these situations are recognised by standards.

Since during the WG GAD Revision meeting of 1 February 2011 it was agreed to go back to the previous version (not any reference to the primary energy), Orgalime would like to reiterate its position on this issue, since it was first accepted and then refused (with particular reference to Mandate M/400 “European Gas Interchangeability”).

#### Paragraph 3.1.11

Orgalime asked for a clarification about the word “protected” in order to avoid different interpretations between Notified Bodies and manufacturers. This issue has been discussed during the WG GAD Revision meeting of the 9th September 2010: therefore Orgalime looks forward to seeing a proper consideration of this issue within the standardization work (hENs).

### 3.2 Unburned gas release

Paragraph 3.2.3: Orgalime understands the thorough discussion which took place several times within the WG GAD Revision and which came to the conclusion of not referring to a “special device”, since this solution may enable manufacturers to introduce alternative solutions which provide an equivalent level of safety to that provided by the special device (such an approach being coherent with the overall principle of the New Approach defining the objectives to be achieved but not the technical solutions to be adopted).

Nevertheless, Orgalime reaffirms its belief that today most if not all incidents linked to this issue could have been avoided by means of safety device. Although Orgalime understands the rationale behind the decision of not referring to a special device in the legal text of GAD, Orgalime has to reiterate its position as reality on the grounds shows that it could decrease injuries and increase safety. We therefore propose two alternative wordings to adapt paragraph 3.2.3, which try to take on board both the discussion which took place within the WG GAD Revision and the Orgalime position:

Paragraph 3.2.3: *“Appliances intended to be used in indoor spaces and rooms must be so designed and constructed to prevent the release of unburned gas in all situations which could lead to a dangerous accumulation of unburned gas, **by the adoption of a solution ensuring the interruption of the gas flow**”.*

or

Paragraph 3.2.3: *“Appliances intended to be used in indoor spaces and rooms must be so designed and constructed to prevent the release of unburned gas in all situations which could lead to a dangerous accumulation of unburned gas, **by means of a safety device**”*

These text proposals do not foresee any particular technical specification for the safety device, enabling any technical solution for the direct or indirect control of the accumulation of unburned gas to be adopted.

### 3.4 Combustion

Paragraph 3.4.4: the latest version of paragraph 3.4.4 states:

*“Appliances must be so designed and constructed that, when used normally, they do not cause a concentration of substances harmful to health in indoor spaces or rooms, such as they would be likely to present a danger to the health of persons exposed”.*

This text proposal is the result of the WG GAD Revision meeting of the 29 June 2010. Orgalime understands that there are theoretically many hazardous emissions to be considered in the combustion process, and not only carbon monoxide concentration. But the new wording of paragraph 3.4.4 could lead to different interpretations in test labs procedures and test methods all over Europe.

Therefore Orgalime asks for a clarification on which substances *harmful to health* should be considered. If the CO-measurement fulfils adequately the requirement stated at paragraph 3.4.4, we would suggest the following wording:

*“Appliances must be so designed and constructed that, when used normally, they do not cause a concentration of substances harmful to health, **in particular CO for all appliances and NOx where appropriate**, in indoor spaces or rooms, such as they would be likely to present a danger to the health of persons exposed, **bearing in mind the foreseeable duration of their exposure.**”*

Orgalime would like to keep the sentence *“bearing in mind the foreseeable duration of their exposure”* as it appeared in the previous text, as it is a useful information which needs to be taken into account when carrying out test on the appliances and its meaning is only partially replaced by the new sentence *“when used normally”* which did not appear in the previous text.

Should the suggested wording above not be considered as appropriate, a clear clarification from the Commission on which substances should be considered to comply with paragraph 3.4.4 seems to be necessary to avoid different interpretations for test laboratories when carrying out their tests on gas appliances.

## GENERAL COMMENTS

- Orgalime would like to stress the need of a better access to the different national regulations on installation of appliances among Member States. With this aim, Orgalime would suggest the setting up of a special Institution providing this kind of input and facilitating the exchange of information on the different national regulations. This Institution could take the form of Product Contact Points pursuant to Article 9 of Regulation 764/2008/EC, with the tasks foreseen by Article 10 of the same Regulation: with regard to the tasks defined in Article 10(1), Product Contact Points could be asked to provide, in the case of GAD, additional information about the different national regulations on installation. Product Contact Points for Construction have also been introduced in the new text of the Construction Product Regulation (CPR) and it could be valuable to take into account the possibility to introduce dedicated Articles in the new text of the GAD.
- EC draft positive list of products covered by the proposed future definition of the scope of the Gas Appliances Directive: for the detail of the Orgalime position, please refer to the two documents already submitted by Orgalime ([“ORGALIME draft positive list 8 November 2010”](#) and [“ORGALIME answer to the European Commission consultation on the list of products covered by the proposed future definition of the scope of the Gas Appliances Directive – 21 January 2011”](#)). We look forward to discussing these proposals in the WG GAD Revision.
- Inclusion of category product “boiler including combustion air supply and combustion product evacuation ducts certified as an assembly with the appliance” (with clear reference only to “C” type boiler, according to CEN/TR 1749:2007 “*European Scheme for the classification of gas appliances according to the method of evacuation of the combustion products*”) into the GAD positive list: Orgalime thanks the Commission for organising an ad hoc meeting to clarify this issue and looks forward to solving a situation which only brings confusion on the market. For the time being, we can only reiterate our opposition to the deletion of this category product from the draft positive list, underlining the following:
  - Independently of whether the ducts are placed on the market as independent ducts or as parts of gas appliances, the conditions for placing combustion products evacuation ducts on the market would always be the same in respect of safety conditions. Therefore Orgalime would like to see both independent ducts available on the market and the ones supplied as part of gas appliances subjected to the same rules and falling under the GAD.
  - Referring to the discussion which took place during the WG GAD Revision meeting of 1 February 2011, Orgalime would like to clarify two points which were not fully understood during that meeting in order to provide WG GAD Revision members with all the useful information for a profitable discussion (please refer to the EC Draft Notes 1 February 2011):
    - GAD-AC guidance sheets A1 (06-2003) and A3 (04-94) refer respectively to “Appliances and fittings covered by the Directive” and “Connecting hoses and regulators used to connect appliances to the fuel source. Other components affecting gas safety”. In particular, GAD-AC guidance sheet A1 at point 10 of *Note* states “*Components such as [...] and flue systems placed on the market with an appliance are considered as part of the appliance*” (see document number GS A3).

GAD-AC guidance sheet A3 in the *Conclusions* states “*Other components affecting gas safety such as [...] and flue systems are covered by the Directive, in as far as they are placed on the market together with the appliance*”.

Furthermore we refer here below to document GAD-AC n. 343 v2 (dated 2008-03-03) concerning WG-GA document 05-008 rev6 “Ducts as part of appliances” (2<sup>nd</sup> version) which states the following GADAC’s opinion:

*“1 – The objective of both the CPD and the GAD is to enable free movement of goods within EU territory [...] GAD certification alone fulfils this objective and has proven to do so for more than 12 years. Additional CPD certification does not serve the objectives of the directives.*

*2 – The CPD certification for flue system is scoped for flue system that will be an integral part of the building. As the flue function of the appliance is an integral part of the appliance and this function will be removed if the appliance is removed, the flue function will never become a part of the building”.* The same document concludes: “*GADAC advises Member States to conclude both in the WG–GA and WG-CPD that for gas appliances including a flue and/or combustion air function no CE marking to the CPD Mandate M 105 is necessary*”.

- Orgalime refers hereafter to the EC Draft Notes 1 February 2011, page. 7, in order to clarify the point raised on the appliances which are placed on the market without combustion products evacuation ducts and the supply of interface parameters by the manufacturer in the instructions.

First of all Orgalime suggests to always use the word “gas boiler” instead of “boiler body” every time reference is made to this kind of products, simply for sake of coherence and clarity.

Secondly, we would like to reiterate that Annex I, Paragraph 1 “General Conditions” and Articles 1.1, 1.2, 1.2.1 of the current GAD already list all the information which must be provided by the manufacturers.

Furthermore standard hEN 483:1999 at paragraph 1 “Scope” – Note 1 states: “*Except for type C6 boilers, type C boilers are marketed with ducts*” and the standard provides test methods and parameters which are submitted by the gas appliances manufacturer to the Notified Body and which allow the latter to verify the safety and performance requirements. In particular, one of the most important tests is the “Soundness of the combustion circuit”, for which the manufacturer is requested to provide the combustion products evacuation ducts together with the gas appliances in order to carry on this test. Again, paragraph 7.1.3 “Installation of the boiler” states: “*[...] with the smallest pressure loss stated by the manufacture in his installation instructions*”. Finally CEN/TR 1749:2007 “*European Scheme for the classification of gas appliances according to the method of evacuation of the combustion products*”, at paragraph 1.3 “*Type C*” states the list of C type boilers and specifies “*[...] For connection via its ducts [...] (C6 type boilers are excluded)*”.

## CONCLUSION

We thank the Commission for taking our remarks into consideration and look forward to continuing our collaboration in the lead up to the forthcoming review of the Gas Appliances Directive.