
Brussels, 19 July 2010

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 is divided in two parts: the first one is related to the last available document “WG GAD Rev 29.06.2010” and brings Orgalime’s new considerations to the latest discussions within the “WG GAD Rev”. The second part consists in an updated version of the comments that Orgalime put forward in its position paper dated 10 June 2010 which was already submitted to the consideration of “WG GAD Revision”: since some issues have been already solved and accepted within the “WG GAD Rev”, Orgalime would like to update its comments accordingly.

PART 1

Revision of the Gas Appliances Directive (GAD) 2009/142/EC – Draft ORGALIME comments on “Draft text future GAD” – Reference Document: “WG GAD Rev 29.06.2010”

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

Article 1

Art.1, 7nd paragraph “The following is excluded from the scope”: we propose to include the following exclusion into the list at Article 1 par. 7:

“Gas fuelled propulsion machinery (or “appliances”) covered by the European Parliament and Council Directive 2006/42/EC of 17 May 2006 on Machinery, and amending Directive 95/16/EC.”

Orgalime, the European Engineering Industries Association, speaks for 33 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 11.1 million people in the EU and in 2008 accounted for some €1,885 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.

This further exemption from the scope of the GAD is required for machinery running gaseous fuels covered by the Machinery Directive (2006/42/EC) because the hazards of using gaseous fuels are covered by Annex I, par. 1.5.6 and 1.5.7 of Directive 2006/42/EC.

ANNEX I – Essential requirements

3. Design and construction

Par. 3.1.6

We would like to point out that par. 3.1.6 gives requirement for abnormal fluctuation or failure of auxiliary energy, whilst nothing is added about abnormal fluctuation of pressure and combustion properties of the main energy.

3.2 Unburned gas release

Par. 3.2.3: we support the position of Marcogaz and consider the requirement to supply gas appliances with a special device to avoid dangerous accumulation of unburned gas in indoor installations is very relevant and has to be explicitly stated in paragraph 3.2.3.

Therefore we agree that the proposal included in the draft text “WG GAD Rev 19.04.2010” should be kept:

“Appliances to be used in indoor spaces and rooms must be fitted with a special device which avoids a dangerous accumulation of unburned gas in such spaces or rooms”.

Furthermore, as proposed by Marcogaz, we agree that, in case the requirement above cannot apply for non permanent appliances such as camping devices, the second and the third sentence in paragraph 3.2.3 should be kept.

We would like to point out that in the UK we have reports that there remains a significant population of pre GAD gasfired catering equipment with enclosed burners, such as ovens, etc., that do not comply with current gas safety standards or, in the UK the Gas Appliance (safety) Regulations 1995 (GA(s)R), eg that are non CE marked. Moreover, particular concerns have been identified in relation to the new Asian “duck” and “tandoor” ovens; however, other catering items of gas equipment such as “hog roasters” and other cooking appliances may be similarly in need of flame failure protection. The hazards that can arise from the use of non compliant equipment include possible gas explosions and carbon monoxide (CO) poisoning.

In the UK, the Health and Safety Executive (HSE) statistics of fire and explosion incidents investigated by their inspectors for the period 1988-1991 revealed 130 incidents which occurred during the manual ignition of gas fired catering equipment. Fifty two of these involved ovens, most being located in school and hospital kitchens. Minor injuries (112) were sustained in the majority of incidents; however, there were also a number (10) involving major burns and injuries to hands and face. Most if not all of these incidents could have been prevented by the use of flame failure safeguards.

PART 2

Orgalime would like to take this opportunity to provide you with an **updated version** of the comments put forward in its position paper dated 10 June 2010 which was already submitted to the consideration of “WG GAD Revision”:

Comments on the “Draft text future GAD” - Reference Document: **“WG GAD Rev 19.04.2010”**

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

Art.1, 2nd paragraph “Appliances”:

We would suggest adding the following at the end of the first sentence: *“including combustion air supply and combustion product evacuation ducts certified as an assembly with the appliance”*. This was the former proposal by Marcogaz that we fully endorse. Orgalime hopes that the adoption of such a proposal will put an end to a situation that caused much concern over the years.

Furthermore, in our opinion the meaning of the second sentence is unclear and a better definition is advisable.

CHAPTER 2 “Means of certification of conformity”

Art.8, item 5

In order to avoid the conflicting situation that still exists, we propose to clearly state that products and equipment covered by this directive are to be considered excluded from Directive 89/106/CE on construction products.

ANNEX I – “Essential requirements – Preliminary remark”

1. General conditions

Par. 1.2.3

We welcome the latest proposal for par. 1.2.3 that is included in document “WG GAD Rev 29.06.2010”.

Par. 3.1.7

We welcome the latest proposal for par. 3.1.7 that is included in document “WG GAD Rev 29.06.2010”:

Par. 3.1.11

As far as the meaning of the word “protected” is concerned, does it mean that, for example, a lacquered seal is considered adequate so the requirement is considered covered? In our opinion, this point should be clearly stated in order to avoid different interpretations between Notified Bodies and between Notified Bodies and the manufacturers.

ANNEX II – “Procedure for certification of conformity”

We would suggest the creation of an Annex in which the language and the minimum useful information requested by the Declaration of conformity is clearly stated. An example is advisable in order to avoid the adoption of a non standardized version by each national organization.

CONCLUSIONS

We would like to suggest the adoption of a positive list of appliances falling within the GAD. This does not necessarily mean that an appliance not in the list is definitely out. The list should be a picture of the existing situation, leaving the door open to the technical development within the gas sector.

The list is exhaustive, clear and easier to understand compared to the definition that will be interpreted anyway.



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