

COMMON POWER

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NEW GAS APPLIANCE DIRECTIVE 2009/142/EC

We hereby inform you about the new Gas Appliance Directive 2009/142/EC (ex- 90/396/EEC) which entered into force from the 5th of January 2010.

Within the Kiwa Group, there are 3 closely related Kiwa Gastec offices that are notified for the new Gas Appliance Directive 2009/142/EC (ex- 90/396/EEC); these are Kiwa Gastec the Netherlands, Kiwa Gastec Italia, Kiwa Gastec @ CRE-UK. Your contacts at each of our offices are at your disposal to answer your questions of course.

From a technical point of view (Essential Requirements) as well as from the procedural point of view (Certification of Conformity) the new Gas Appliance Directive 2009/142/EC can be considered to be very similar to the repealed Gas Appliance Directive 90/396/EEC.

Apart from the legal aspect of applying the full text and the reference number of the new Gas Appliance Directive 2009/142/EC, we anticipate that you will find no significant changes in our technical and procedural approaches to cover the relevant aspects of the new Gas Appliance Directive for your products.

We advise you to take notice of the new Gas Appliance Directive 2009/142/EC and consider the consequences for the CE Marking / Declaration of Conformity for your products placed on the market after 5th January 2010 and consider the eventual measures you are going to implement.

From 5th of January 2010, Kiwa Gastec's Notified Bodies perform their activities (e.g. Procedure of Certification of Conformity) and the issue of related documents (e.g. Reports and Type Testing Certificates) based upon, and referring to, Gas Appliance Directive 2009/142/EC, using the following reference: 2009/142/EC (ex- 90/396/EEC).

Please find below further background information and the assistance you can expect from Kiwa Gastec.

Introduction date of the New Gas Appliance Directive 2009/142/EC:

Based upon the following summary from Official Journal L 330 dated 16 December 2009 and the new Gas Appliance Directive (2009/142/EC) article 15 (relevant parts copied below) it can be concluded that the new Gas Appliance Directive 2009/142/EC entered into force from 5th January 2010 and replaces Directive 90/396/EEC.

“Common Power” is a quarterly newsletter from the Expert Center Energy Using Products of Kiwa Gastec. The aim is to provide you with news, related to testing and certification in your market and our services. If you have any suggestions on articles or information, for future publication, please contact us at the redaction.



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*Official Journal of the European Union
L 330, Volume 52, dated 16 December
2009 (ISSN 1725-2555):*

*Acts adopted under the EC Treaty/
Euratom Treaty whose publication is
obligatory:*

*Directive 2009/142/EC of the European
Parliament and of the Council of 30
November 2009 relating to appliances
burning gaseous fuels.*

2009/142/EC - Article 15:

*This Directive shall enter into force on the
twentieth day following its publication
in the Official Journal of the European
Union.*

Consequential operational aspects:

Considering the Gas Appliance Directive 2009/142/EC article 14, 2nd paragraph (relevant parts copied below) it can be concluded that:

- Documents (e.g. Type Testing Certificates) issued by Kiwa Gastec as a Notified Body before 5th January 2010 are based upon and refer to Gas Appliance Directive 90/396/EC. These documents remain valid after the 5th January 2010 and can be used as a basis for your CE Marking / Declaration of Conformity under the new Gas Appliance Directive 2009/142/EC (ex- 90/396/EEC). Of course this is provided that you did not make modifications to the product nor modifications to the relevant quality assurance measures related to the production of the product. Furthermore it is necessary that the technical requirements applied during the EC type examination are still satisfactory to today's requirements.
- During our surveillance visit to your facilities we will review and discuss the impact of the new Gas Appliance Directive on your CE Marking / Declaration of Conformity of the relevant products.

Directive 2009/142/EC article 14, 2nd paragraph:

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VII.



As your Notified Body we aim to provide a complete service to you to cover all aspects of the new Directive 2009/142/EC (ex-90/396/EEC) and we will keep you informed about any future changes related to this Directive.

Visit the Kiwa website www.1kiwa.com/eup to find more detailed FAQ's and to download Directive 2009/142/EC and the Official Journal L 330 in the English, Dutch or Italian language. Of course you can contact us directly in case you are looking for additional information.