

## Indications for the retention of documents according to the Directive 94/9/EC

According to article 8 (1) b) ii) of Directive 94/9/EC documentations to **non-electrical equipment** and components **of Category 2** have to be handed over for the retention to a NOTIFIED BODY. The documents have to be kept at the NOTIFIED BODY up to 10 years after delivery of the last product. After 10 years they are returned to the manufacturer. (The manufacturer has to inform the NOTIFIED BODY about the delivery of the last product.)

The NOTIFIED BODY does not look at the documents. They should be submitted locked if possible. The documents shall be marked clearly on the outside with the manufacturer (sender) and the type of the respective equipment, component and/or series. It should be taken into account that only documents for one type each or one series each are combined for one action because the documents are deposited at IBExU in such a way that it is possible to append additions or amendments of the manufacturer without any problems and without opening the package of the manufacturer. The documents which are already deposited are neither opened nor sent back.

It has to be noticed, that the deposit of an electronic data medium is not particularly prohibited. At the moment, the "durability duration" has not been definitely cleared yet. Within some years there could be problems with the readability of an electronic data medium because the software today used for writing the data medium is then not available for reading them any more perhaps. (It has to be taken into account here quite particularly that the retention time of ten years starts only with the delivery of the last product.)

The documents can be sent with an informal letter without prior inquiry to:

*IBExU Institut für Sicherheitstechnik GmbH  
Fuchsmühlenweg 7  
09599 Freiberg*

The sender of the documents receives an acknowledgement of receipt with the respective archive number under which the documents are stored at IBExU (EC-Identification-No. 0637). When additions or changes to the already deposited documents are submitted then the archive number of the first retention should be specified to make the assignment easier.

IBExU charges fixed prices for the retention of documents.

The invoice is sent together with the acknowledgment of receipt and the announcement of the IBExU-Archive-Number.

### **What shall be deposited at the NOTIFIED BODY?**

The Annex VIII of the Directive 94/9/EC gives general information to this.

The retention of documents at a NOTIFIED BODY has the background that non-electrical equipment and components of the Category 2 are not subjected to the legal examinations by a NOTIFIED BODY. For this reason, in principle, the products have to be examined and documented by the manufacturer himself so (please see Directive 94/9/EC, Annex VIII "Internal manufacturing quality control"), as if the products would be submitted for examinations at a NOTIFIED BODY. However, the manufacturer acts in responsibility of his own.

With the retention of documents at a NOTIFIED BODY a manufacturer has committed himself regarding the construction and the manufacture of an explosion protected product. In case of a dispute/damage the stored documents shall make it possible to determine, whether the controversial product was manufactured really in accordance with the specifications of the manufacturer and whether the manufacturer has observed carefully the aspects for ensuring the explosion protection in compliance with the current state of the technological development (please

see Annex II of the Directive 94/9/EC) or whether manipulations were carried out at the product. This is the objective of the retention from which can also derived the objects for a retention at a NOTIFIED BODY.

It is essential that the constructive characteristics and the behavioural requirements which are important for the explosion protection (avoidance of ignition sources) are documented and that these documents are stored at a neutral place. Part of the documents is at least the following:

- General description of the equipment
- Construction documents (drawings, parts lists with materials used, data sheets of the materials used [which contain for example details of materials compositions, mechanical strengths, resistance to corrosion, temperature resistance] etc.)
- Analysis of the ignition hazard (This is especially necessary as a proof that the manufacturer has attended to the questions of the explosion protection as well as in which extent he has done it.)
- Overview about standards, guidelines, regulations and others which were the basis for the construction and assessment of the ignition hazards
- Operating instruction for the intended use of the product in potentially explosive atmospheres
- Internal and external test protocols, test reports about the tests and measurements carried out at the test items respectively the basic types
- If necessary, internal test plans regarding quality assurance (for example checks to be carried out at each product within the manufacture).

At series of equipment IBExU recommends to deposit the construction documents for each prototype (corresponding to a type which is submitted to the examination at a NOTIFIED BODY). Further documents must have a reference to the constructive details of other sizes within a series, for example in a table containing all essential dimensions of the other sizes, materials used or constructive differences).

That means that it is not necessary to deposit documents for each delivered machine of a series or for each customer's order.

Regarding the use of various purchased parts (e. g. V-belts of different manufacturers) IBExU recommends, that the manufacturer should not commit himself absolutely to one special type in the deposited documents, because in case of a change of the subcontractor the documents have to be deposited once more. But IBExU recommends the manufacturer to define the demands to be made to the purchased parts.

Provided that relevant declarations of the manufacturer according to the Directive 94/9/EC are available for the purchased parts the user of these parts has not to deposit these documents once more (This will normally be the final manufacturer of the product into which the purchased part is installed).

State: 12<sup>th</sup> October 2006