COMMISSION IMPLEMENTING DECISION (EU) 2022/406

of 3 March 2022

amending Implementing Decision (EU) 2019/1202 as regards harmonised standards for automatic nozzles for use on fuel dispensers, metering pumps, dispensers and remote pumping units, safe breaks for use on metering pumps and dispensers, shear valves and swivels for use on metering pumps and dispensers, that are used in petrol filling stations

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council [1], and in particular Article 10(6) thereof,

Whereas:

(1) In accordance with Article 12 of Directive 2014/34/EU of the European Parliament and of the Council [2], products which are in conformity with harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*, are to be presumed to be in conformity with the essential health and safety requirements set out in Annex II to that Directive covered by those standards or parts thereof.

(2) By letter BC/CEN/46-92 – BC/CLC/05-92 of 12 December 1994, the Commission made a request to the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (Cenelec) for the drafting and revision of harmonised standards in support of Directive 94/9/EC of the European Parliament and of the Council [3]. That Directive was replaced by Directive 2014/34/EU without changing the essential health and safety requirements set out in Annex II to Directive 94/9/EC.

(3) In particular, CEN and Cenelec were requested to draft the following standards for the products used in petrol filling stations: Construction and performance of automatic nozzles for use on fuel dispensers, Safety requirements for construction and performance of metering pumps, dispensers and remote pumping units, Safety requirements for construction and performance of safe breaks for use on metering pumps and dispensers, Safety requirements for construction and performance of shear valves and Safety requirements for construction and performance of swivels for use on metering pumps and dispensers. That standardisation work was indicated in Chapter I of the standardisation programme agreed between CEN, Cenelec and the Commission and attached to request BC/CEN/46-92 – BC/CLC/05-92. CEN and Cenelec were also requested to revise the existing standards with a view to aligning them to the essential health and safety requirements of Directive 94/9/EC.

(4) On the basis of the request BC/CEN/46-92 – BC/CLC/05-92, CEN drafted the following harmonised standards for products used in petrol filling stations: EN 13012:2021 Construction and performance of automatic nozzles for use on fuel dispensers, EN 13617-1:2021 Safety requirements for construction and performance of metering pumps, dispensers and remote pumping units, EN 13617-2:2021 Safety requirements for construction and performance of

[1] OJ L 316, 14.11.2012, p. 12.

[2] Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 96, 29.3.2014, p. 309).

[3] Directive 94/9/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 100, 19.4.1994, p. 1).

safe breaks for use on metering pumps and dispensers, EN 13617-3:2021 Safety requirements for construction and performance of shear valves and EN 13617-4:2021. Safety requirements for construction and performance of swivels for use on metering pumps and dispensers.

(5) The Commission together with CEN has assessed whether the standards EN 13012:2021, EN 13617-1:2021, EN 13617-2:2021, EN 13617-3:2021, EN 13617-4:2021 drafted by CEN comply with the request BC/CEN/46-92 – BC/CLC/05-92.

(6) The standards EN 13012:2021, EN 13617-1:2021, EN 13617-2:2021, EN 13617-3:2021 and EN 13617-4:2021 satisfy the requirements which they aim to cover and which are set out in Annex II to Directive 2014/34/EU. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.

(7) Standard EN 13012:2021 replaces standard EN 13012:2012. Standard EN 13617-1:2021 replaces standard EN 13617-1:2012. Standard EN 13617-2:2021 replaces standard EN 13617-2:2012. Standard EN 13617-3:2021 replaces standard EN 13617-3:2012. Standard EN 13617-4:2021 replaces standard EN 13617-4:2012. It is therefore necessary to withdraw from the *Official Journal of the European Union* the references of standards EN 13012:2012, EN 13617-1:2012, EN 13617-2:2012, EN 13617-3:2012, and EN 13617-4:2012 that are published by Commission communication (2018/C 371/01) ([4]).

(8) In order to provide manufacturers with sufficient time to adapt their products to the revised versions of standards EN 13012:2012, EN 13617-1:2012, EN 13617-2:2012, EN 13617-3:2012, and EN 13617-4:2012, it is necessary to defer the withdrawal of the reference to those standards.

(9) Annex I to Commission Implementing Decision (EU) 2019/1202 ([5]) lists the references of harmonised standards drafted in support of Directive 2014/34/EU. In order to ensure that the references of harmonised standards drafted in support of Directive 2014/34/EU are all listed in one act, the references of harmonised standards EN 13012:2021, EN 13617-1:2021, EN 13617-2:2021, EN 13617-3:2021 and EN 13617-4:2021should be included in that Annex.

(10) Annex II to Implementing Decision (EU) 2019/1202 lists the references of harmonised standards drafted in support of Directive 2014/34/EU that are withdrawn from the C series of the *Official Journal of the European Union*. The references of harmonised standards EN 13012:2012, EN 13617-1:2012, EN 13617-2:2012, EN 13617-3:2012 and EN 13617-4:2012 should be included in that Annex.

(11) Implementing Decision (EU) 2019/1202 should therefore be amended accordingly.

(12) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the day of its publication,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2019/1202 is amended as follows:

(1) Annex I is amended in accordance with Annex I to this Decision;

([4]) Commission communication in the framework of the implementation of Directive 2014/34/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 371, 12.10.2018, p. 1).

([5]) Commission Implementing Decision (EU) 2019/1202 of 12 July 2019 on the harmonised standards for equipment and protective systems intended for use in potentially explosive atmospheres drafted in support of Directive 2014/34/EU of the European Parliament and of the Council (OJ L 189, 15.7.2019, p. 71).

(2) Annex II is amended in accordance with Annex II to this Decision.

Article 2

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

Done at Brussels, 3 March 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

In Annex I to Implementing Decision (EU) 2019/1202, the following entries are added:

No	Reference of the standard
'5.	EN 13012:2021 Petrol filling stations – Construction and performance of automatic nozzles for use on fuel dispensers
6.	EN 13617-1:2021 Petrol filling stations – Part 1: Safety requirements for construction and performance of metering pumps, dispensers and remote pumping units
7.	EN 13617-2:2021 Petrol filling stations – Part 2: Safety requirements for construction and performance of safe breaks for use on metering pumps and dispensers
8.	EN 13617-3:2021 Petrol filling stations – Part 3: Safety requirements for construction and performance of shear valves
9.	EN 13617-4:2021 Petrol filling stations – Part 4: Safety requirements for construction and performance of swivels for use on metering pumps and dispensers'

ANNEX II

In Annex II to Implementing Decision (EU) 2019/1202, the following entries are added:

No	Reference of the standard	Date of withdrawal
'4.	EN 13012:2012 Petrol filling stations – Construction and performance of automatic nozzles for use on fuel dispensers	3 September 2023
5.	EN 13617-1:2012 Petrol filling stations – Part 1: Safety requirements for construction and performance of metering pumps, dispensers and remote pumping units	3 September 2023
6.	EN 13617-2:2012 Petrol filling stations – Part 2: Safety requirements for construction and performance of safe breaks for use on metering pumps and dispensers	3 September 2023
7.	EN 13617-3:2012 Petrol filling stations – Part 3: Safety requirements for construction and performance of shear valves	3 September 2023
8.	EN 13617-4:2012 Petrol filling stations – Part 4: Safety requirements for construction and performance of swivels for use on metering pumps and dispensers	3 September 2023.'