L.N. 52 of 1996

QUALITY CONTROL (EXPORTS, IMPORTS AND LOCAL GOODS) ACT (CAP. 225)

Appliances Burning Gaseous Fuels Order, 1996 (Order No. M33 of 1996)

IN exercise of the powers conferred by section 3 of the Quality Control (Exports, Imports and Local Goods) Act, the Malta Board of Standards has made the following order:—

Citation and commencement.

1.1 This order may be cited as the Appliances Burning Gaseous Fuels Order, 1996 and may be referred to as Order No. M33 of 1996.

1.2 This order shall become operative on 31st May, 1996.

1.2.1 Provided that the requirements of clauses 6 and 8 of this order shall not be obligatory prior to 1st January, 1997.

Scope.

2.1 This order shall apply to:

2.1.1 appliances burning gaseous fuels used for cooking, heating, hot water production, refrigeration, lighting or washing and having, where applicable, a normal water temperature not exceeding 105°C, hereinafter referred to as "appliances". Forced draught burners and heating bodies to be equipped with such burners will also be considered as appliances;

2.1.2 safety devices, controlling devices or regulating devices and sub-assemblies, other than forced draught burners and heating bodies to be equipped with such burners separately marketed for trade use and designed to be incorporated into an appliance burning gaseous fuel or assembled to constitute such an appliance, hereinafter referred to as "fittings".

2.2 Appliances specifically designed for use in industrial processes carried out on industrial premises are excluded from the scope defined in paragraph 2.1 of this order.

Definitions.

3.1 In this order:

3.1.1 "gaseous fuel" means any fuel which is in a gaseous state at a temperature of 15°C and a pressure of 1 bar.

3.1.2 "normally used" means

— correctly installed and regularly serviced in accordance with the manufacturer's instructions,

— used with a normal variation in the gas quality and a normal fluctuation in the supply pressure, and

— used in accordance with its intended purposes or in a way which can be reasonably foreseen.

3.1.3 "the Community" means the European Community.

3.1.4 "the Directive" means Council Directive 90/396/EEC[1] as amended by Council Directive 93/68/EEC[2] on the approximation of the laws of the Member States relating to appliances burning gaseous fuels.

3.1.5 "CEN" means the European Committee for Standardisation.

3.1.6 "EN" means European Standard issued by CEN.

3.1.7 "OJ" means Official Journal of the European Communities.

3.1.8 "harmonised standard" means a technical specification adopted by the European Committee for Standardisation or the European Committee for Electrotechnical Standardisation or both, upon a remit from the European Commission in accordance with Council Directive 83/189/EEC[3] laying down a procedure for the provision of information in the field of technical standards and regulations.

3.1.9 "CE marking" means marking as set out in Schedule II of this order following the relevant procedure for certification of conformity as laid down in the Directive.

Applicability.

4.1 The provisions of this order are applicable to imported appliances and fittings as well as those manufactured for the local market.

Conformity.

5.1 Appliances referred to in paragraph 2.1 of this order may be placed on the market and put into service only if, when normally used, they do not compromise the safety of persons, domestic animals and property.

5.2 Appliances and fittings as referred to in paragraph 2.1 of this order shall satisfy the essential requirements applicable to them set out in Schedule I of this order.

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[1] OJ No.L196, 26.07.1990, p.15
[2] OJ No. L220, 30.08.1993, p.15
[3] OJ No. L109, 26.04.1983, p.8

5.3 Appliances and fittings shall be presumed to comply with this order when they conform to:

— standards applicable in the Member States of the European Union implementing the harmonised standards whose reference numbers have been published in the Official Journal of the European Communities;

— standards applicable in the Member States of the European Union relating to those areas in which no harmonised standards exist and which are regarded as compying with the essential requirements.

CE marking of conformity.

6.1 The CE marking of conformity and the inscriptions set out in Schedule II of this order shall be affixed in a visible, easily legible and indelible form to the appliance or to a data plate attached to it. The data plate shall be so designed that it cannot be re-used.

6.2 The affixing of markings on the appliances which are likely to deceive third parties as to the meaning and form of the CE marking shall be prohibited. Any other marking may be affixed to the appliance or to the data plate provided that the visibility and legibility of the CE marking is not hereby reduced.

Withdrawal or restriction from market.

7.1 Where it is ascertained that normally used appliances bearing the CE marking might compromise the safety of persons, domestic animals or property, all appropriate action shall be taken to withdraw those appliances from the market and prohibit or restrict their being placed on the market.

Certification of conformity.

8.1 Local manufacturers and importers of appliances and fittings falling under this order shall be in possession of a certificate of conformity issued as laid down in the Directive for such appliances and fittings.

Methods of testing.

9.1 Examinations and tests on appliances and fittings shall be carried out using methods described in the standards referred to in paragraph 5.3 of this order.

SCHEDULE I

BASED ON ANNEX 1 OF THE DIRECTIVE

ESSENTIAL REQUIREMENTS

Preliminary Remark

The obligations resulting from the essential requirements for appliances in the Schedule also apply to fittings where the corresponding risk exists.

1 GENERAL CONDITIONS

1.1 Appliances must be so designed and built as to operate safely and present no danger to persons, domestic animals or property when normally used as defined in paragraph 3.1.2 of this order.

1.2 When placed on the market, all appliances must:

— be accompanied by technical instructions intended for the installer,

— be accompanied by instructions for use and servicing, intended for the user,

— bear appropriate warning notices, which must also appear on the packaging.

The instructions and warning notices must be in Maltese and/or English, not excluding the addition of any other language.

1.2.1 The technical instructions intended for the installer must contain all the instructions for installation, adjustment and servicing required to ensure that those operations are correctly performed and that the appliance may be used safely. In particular, the instructions must specify:

— the type of gas used,

— the gas supply pressure used,

— the flow of fresh air required:

— for the combustion air supply,

— to avoid the formation of dangerous unburned gas mixtures for appliances not fitted with the device referred to in item 3.2.3,

— the conditions for the dispersal of combustion products,

— for forced draught burners and heating bodies intended to be equipped with such burners, their characteristics, the requirements for assembly, to assist compliance with the essential requirements applicable to finished appliances and, where appropriate, the list of combinations recommended by the manufacturer.

1.2.2 The instructions for use and servicing intended for the user must contain all the information required for safe use, and must in particular draw the user's attention to any restrictions on use.

1.2.3 The warning notices on the appliance and its packaging must clearly state the type of gas used, the gas supply pressure and any restrictions on use, in particular the restriction whereby the appliance must be installed only in areas where there is sufficient ventilation.

1.3 Fittings intended to be part of an appliance must be so designed and built as to fulfil correctly their intended purpose when incorporated in accordance with the instructions for installation.

The instructions for installation, adjustment, operation and maintenance must be provided with the fittings concerned.

2 MATERIALS

2.1 Materials must be appropriate for their intended purpose and must withstand the technical, chemical and thermal conditions to which they will foreseeably be subjected.

2.2 The properties of materials that are important for safety must be guaranteed by the manufacturer or the supplier of the appliance.

3 DESIGN AND CONSTRUCTION

3.1 **General**

3.1.1 Appliances must be so constructed that, when used normally, no instability, distortion, breakage or wear likely to impair their safety can occur.

3.1.2 Condensation produced at the start-up and/or during use must not affect the safety of appliances.

3.1.3 Appliances must be so designed and constructed as to minimize the risk of explosion in the event of a fire of external origin.

3.1.4 Appliances must be so constructed that water and inappropriate air penetration into the gas circuit does not occur.

3.1.5 In the event of a normal fluctuation of auxiliary energy, appliances must continue to operate safely.

3.1.6 Abnormal fluctuation or failure of auxiliary energy or its restoration must not lead to an unsafe situation.

3.1.7 Appliances must be so designed and constructed as to obviate hazards of electrical origin. In the area in which it applies, compliance with the safety objectives in respect of electrical hazards laid down in Directive 73/23/EEC[1] shall be equivalent to fulfilment of this requirement.

3.1.8 All pressurised parts of an appliance must withstand the mechanical and thermal stresses to which they are subjected without any deformation affecting safety.

3.1.9 Appliances must be so designed and constructed that failure of a safety, controlling or regulating device may not lead to an unsafe situation.

3.1.10 If an appliance is equipped with safety and controlling devices, the functioning of the safety devices must not be overruled by that of the controlling devices.

3.1.11 All parts of appliances which are set or adjusted at the stage of manufacture and which should not be manipulated by the user or the installer must be appropriately protected.

3.1.12 Levers and other controlling and setting devices must be clearly marked and give appropriate instructions so as to prevent any error in handling. Their design must be such as to preclude accidental manipulation.

3.2 Unburned gas release

3.2.1 Appliances must be so constructed that the gas leakage rate is not dangerous.

3.2.2 Appliances must be so constructed that gas release during ignition and re-ignition and after flame extinction is limited in order to avoid a dangerous accumulation of unburned gas in the appliance.

3.2.3 Appliances intended 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.

Appliances which are not fitted with such devices must be used only in areas where there is sufficient ventilation to avoid a dangerous accumulation of unburned gas.

Large-scale kitchen appliances and appliances powered by gas containing toxic components must be equipped with the aforesaid device.

[1] OJ No. L 77, 26.3.1973, p.29

3.3 **Ignition**

Appliances must be so constructed that, when used normally:

— ignition and re-ignition is smooth,

— cross-lighting is assured.

3.4 **Combustion**

3.4.1 Appliances must be so constructed that, when used normally, flame stability is assured and combustion products do not contain unacceptable concentrations of substances harmful to health.

3.4.2 Appliances must be so constructed that, when used normally, there will be no accidental release of combustion products.

3.4.3 Appliances connected to a flue for the dispersal of combustion products must be so constructed that in abnormal draught conditions there is no release of combustion products in a dangerous quantity in the room concerned.

3.4.4 Independent flueless domestic heating appliances and flueless instantaneous water heaters must not cause, in the room or space concerned, a carbon monoxide concentration likely to present a danger to the health of persons exposed, bearing in mind the foreseeable duration of their exposure.

3.5 **Rational use of energy**

Appliances must be so constructed as to ensure rational use of energy, reflecting the state of the art and taking into account safety aspects.

3.6 **Temperature**

3.6.1 Parts of appliances which are intended to be placed in close proximity to the floor or other surfaces must not reach temperatures which present a danger in the surrounding area.

3.6.2 The surface temperature of knobs and levers of appliances intended to be manipulated must not present a danger to the user.

3.6.3 The surface temperatures of external parts of appliances intended for domestic use, with the exception of surfaces or parts which are associated with the transmission of heat, must not under operating conditions present a danger to the user and in particular to children, for whom an appropriate reaction time must be taken into account.

3.7 **Foodstuffs and water used for sanitary purposes**

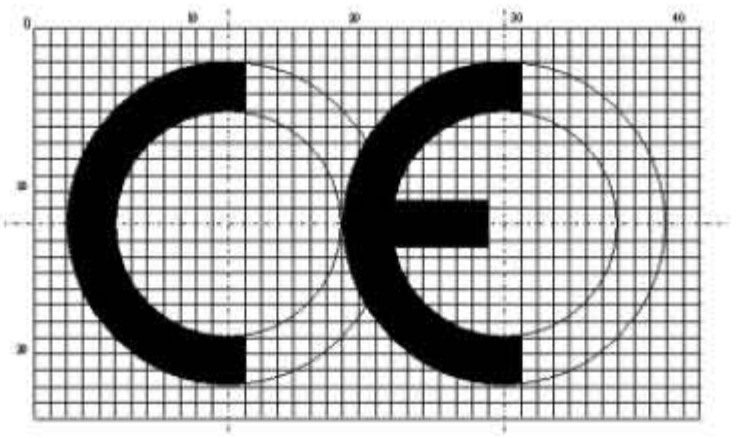
Without prejudice to the Community rules in this area, materials and components used in the construction of an appliance, which may come into contact with food or water used for sanitary purposes, must not impair their quality.

SCHEDULE II

ANNEX III OF THE DIRECTIVE

CE CONFORMITY MARKING AND INSCRIPTIONS

1 The CE conformity marking consists of the initials "CE" as shown below:



The CE marking must be followed by the identification number of the notified body involved in the production control phase.

2 The appliance or its data plate must bear the CE marking together with the following inscriptions:

— the manufacturer's name or identification symbol,

— the trade name of the appliance,

— the type of electrical supply used, if applicable,

— the appliance category,

— the last two digits of the year in which the CE marking was affixed.

Information needed for installation purposes may be added according to the nature of the appliance.

3 If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm.

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