



## ADVISORY COMMITTEE FOR ROOFSAFETY

Information Sheet No.4:2012

BS EN 795 and the 89/686/EEC Directive

## Background

1. The aim of this paper is to provide information in regard to the current issues surrounding the relationship between BS EN 795 and the European PPE Directive 89/686/EEC.
2. This document was originally prepared by Mr D Riches for, and produced as, a BSIF Height Safety Group (HSG) Bulletin in November 2011.
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## Introduction

4. BS EN 795 was first published in 1997 under a mandate to support the European PPE Directive 89/686/EEC in order to facilitate the CE marking of fall protection anchor products.
5. The project to write the standard was ambitious because of the diverse range of fall protection anchor products to be covered and it presented challenges from the start. It resulted in the need to classify products into five groups, namely:
  - Class A: Single anchors,  
( e.g. eyebolts)
  - Class B: Temporary transportable anchors,  
(e.g. tripods, girder clamps)
  - Class C: Horizontal lifelines, both permanently and temporarily installed
  - Class D: Horizontal rails
  - Class E: Deadweight anchors
6. Before it was even published the standard became controversial and the

European Commission expressed a view, which was published in guidance documents, that classes A, C and D did not come under the scope of the 89/686/EC Directive. The Commission did try and amend EN 795 to reflect this view, but this approach was resisted.

7. In the UK, the Dept for Business, Innovation and Skills (BIS), who are responsible for the S.I. 1144 PPE Regulations, (the UK implementation of Directive 89/686/EEC), maintained that all five classes of anchors within BS EN 795 were within the scope of 89/686/EEC and that as such they would require CE marking and appropriate Category III compliance obtained through independent third party certification by a Notified Body.
8. This position was maintained by BIS, because despite the European Commission's position, no instruction was ever sent to EU member states to advise how they should proceed regarding fall protection anchor products in the market.

## Netherlands Court Case

9. In April 2010 a test case took place in the Netherlands to decide whether BS EN 795 Class A products should or should not be classified as PPE. The decision of the court was that Class A products should not be PPE and that they should come within the scope of the Construction Products Directive 89/106/EEC.

## Change of Position in UK

10. In March 2011 a British Safety Industry Federation (BSIF) Test and Certification Association meeting took place at which BIS was present.

11. At that meeting it was decided that:

- Notified Bodies would no longer carry out CE marking assessment on new BS EN 795 products within classes A, C and D
- Existing CE approval certificates for products within classes A, C and D would be maintained by the Notified Bodies, unless specific instructions were received from BIS to remove approvals.

12. The net result of this is that new products within BS EN 795 Classes A, C and D are not currently being type tested, approval certificates are not being produced and products are not being CE marked. This situation is similar in France, Germany and in most parts of Europe.

13. This makes it extremely difficult for manufacturers and suppliers of this type of equipment to demonstrate to customers that they have done everything required of them.

14. Also, where fall protection systems are being used, it is not unusual for the property duty holders and installers to require CE marking on the equipment, including the anchors.

15. In addition, installers are deeply concerned about the validity of their safety declarations and associated insurance arrangements when CE marks are not available on all components. There is little understanding that the mess is of the EU's making and that there is a lack of will to resolve the problem.

### **The Continued Need for Product Testing**

16. Although the UK Notified Bodies within the BSIF Test and Certification

Association have decided to no longer award CE approvals for products within classes A, C and D of BS EN 795, this does not necessarily mean that the PPE Regulations no longer apply to these products, and this is something that needs to be clarified by BIS.

17. In the absence of applicable European legislation however, UK legislation is still in force, and consequently products within classes A, C and D are still subject to the need for testing. For example, in the Health and Safety at Work Act (1974), Section 6, there are duties for product designers, manufacturers, importers, suppliers and installers. This covers such matters as the need for research in order to produce safe products, testing and examination, instructions for use and installation.

18. Also, although the test methods in BS EN 795 under classes A, C and D may no longer be used in order to gain the CE mark, they still can be used in order to test products, where the test methods are relevant and adequate in regard to the application of the product concerned.

19. The reader's attention is also drawn to other more comprehensive standards such as ISO 14567, which covers requirements for Class A, B and E, and ISO 16024, which covers requirements for Class C.

### **The Continued Need for Regular Examination and Test**

20. Again, in the absence of applicable legislation such as the PPE Regulations, other UK legislation is still in force, and consequently products within classes A, C and D are still subject to the need for ongoing regular maintenance, examination and testing, once installed.

21. For example there are requirements to this effect in PUWER, WAHR and LOLER<sup>1</sup>, (the latter being particularly applicable to anchor devices used for rope access purposes).

<sup>1</sup>: Provision and Use of Work Equipment Regulations, Work at Height Regulations, Lifting Operations and Lifting Equipment Regulations

22. In regard to applicable standards, it may be argued that as BS EN 795 Class A, C and D products are no longer classed as PPE, then standards such as BS EN 365, (requirements for instructions for use, maintenance, periodic examination, repair, marking and packaging), no longer apply.

23. However, BS EN 795 does cross refer to BS EN 365 in regard to the information that the manufacturer has to supply as part of the product package, and of course BS EN 365 gives sound advice in regard to the need for regular examination.

24. For example, it emphasises the need for regular examination because the safety of the user depends upon the continued efficiency and durability of the equipment, and that the examinations are only to be conducted by competent personnel and carried out strictly in accordance with examination procedures.

25. Perhaps more applicable is the list of specific requirements contained within BS 7883<sup>2</sup>. This standard contains best practice in regard to the regular inspection and examination of fall-arrest anchor products.

<sup>2</sup> Code of practice for the design, selection, installation, use and maintenance of anchor devices conforming to BS EN 795. The current (2005) edition of this standard is under revision

## **Alternative Route for CE-Certification of Products**

26. It has been proposed that manufacturers could seek to CE mark BS EN 795 Class A, C and D products via the 89/106/EEC Construction Products Directive. However a number of matters would have to be worked through before this could occur, and given the sluggish bureaucratic nature of the EU, this could take years.

27. As part of the current EN 795 revision process, it seems likely that it will be split into two parts or two separate standards. The requirements for Classes, A, C and D will be put into one standard and will be harmonised under the Construction Products Directive (89/106/EEC), whereas requirements for Classes, B and E will remain harmonised under 89/686/EEC. The way this will be done remains unclear and there appears to be little in the way of leadership in the respective organisations.

28. Even if this is achieved, the Construction Products Directive allows for a variety of testing and examination schemes depending upon the type of product under assessment. It would be essential therefore for interested parties to agree to a scheme that would be at least as onerous to that under the PPE Directive, i.e. third party independent test and certification.

## **Other Product Certification Schemes**

29. It should be noted that BIS is supportive of what the BSIF and its HSG are seeking to do and there may be mechanisms for a way forward in the UK, albeit that this does not create the

platform for BS EN 795 products within Classes A, C and D to be CE marked.

30. One way forward could be to utilise the BSI's Kitemark or the DiN GS mark - both certification and product marking schemes that were used by fall protection manufacturers prior to the adoption of the suite of European fall protection standards in 1995. In that time BS 5845 was the standard used for fall protection anchor products.
31. Another way forward could be for BSIF to introduce their own product mark and certification scheme for fall protection anchor products falling within Class A, C and D of BS EN 795. This is currently under discussion.

**ACR Note – not part of the original text:**

It should be noted that currently EN795 is under revision and will be specifically for single user anchor devices. A technical Specification is being drafted for anchor devices intended for use by more than one person simultaneously.

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Where the up to date list of members can also be found

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