

Do high-pressure steam and hot water boilers fall under the Gas Appliances Regulation (EU) 2016/426?

With the coming into force of the Gas Appliances Regulation (EU) 2016/426¹ on 21 April 2018, the Gas Appliances Directive 2009/142/EC² has been repealed and therefore no longer valid. In the scope of application of the Gas Appliances Directive, it has hitherto been defined in Article 1, sentence (2), point a), that

"... appliances burning gaseous fuels used for ... heating, hot water production, ... and having, where applicable, a normal water temperature not exceeding 105 °C"

are within the scope.

Together with the requirements of the Pressure Equipment Directive 2014/68/EU³, this has in practice meant that only

- Steam boilers with a maximum allowable pressure $PS \leq 0.5$ bar and
- Hot water boilers with a maximum permissible normal operating temperature $TS \leq 110$ °C.

have been certified according to the Gas Appliance Directive.

Steam boilers with a maximum allowed pressure > 0.5 bar or hot water boilers with a maximum allowed normal operating temperature $TS > 110$ °C were only certified in accordance with the Pressure Equipment Directive.

Since **21 April 2018**, the Gas Appliance Regulation (EU) 2016/426 applies. In article 2, point 1 it is defined that

"appliances burning gaseous fuels used for ... space heating, hot water production, ..."

are within the scope.

The omission of the temperature limit of 105 °C in the Gas Appliance Regulation raises the question as to whether steam boilers – high-pressure steam and hot water boilers – must now also comply with the Gas Appliances Regulation in addition to the Pressure Equipment Directive.

¹ REGULATION (EU) 2016/426 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC (Gas Appliance Regulation; GAR)

² DIRECTIVE 2009/142/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2009 relating to appliances burning gaseous fuels (Gas Appliance Directive; GAD)

³ DIRECTIVE 2014/68/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (Pressure Equipment Directive; PED)

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The following explains why these boilers generally do not fall within the scope of the new requirements regarding the safety of gas-fired appliances under Regulation (EU) 2016/426:

1) Article 1, sentence (4) of the Gas Appliances Regulation states:

"Where, for appliances or fittings, the aspects covered by this Regulation are covered more specifically by other acts of Union harmonisation legislation, this Regulation does not apply or ceases to apply to such appliances or fittings in respect of those aspects."

The pressure bodies of the boiler plants are also dealt with in the Pressure Equipment Directive with regard to the dangers of pressure and overheating that arise from the combustion of gas. The exemption from Article 1 (4) of the Gas Appliances Regulation therefore applies here to the pure boiler pressure body. However, the gas burner intended for attachment to the pressure body and its gas-specific equipment will generally fulfil the requirements of the gas appliances regulation and will be certified accordingly. Without certification according to the Gas Appliance Regulation are placed on the Market – in addition to purely industrial applications – e. g. also gas burners for special fuels, for special installation conditions and for special equipment, where an individual approval takes place by the approval authorities on site.

2) Article 1, sentence (3), item a) of the Gas Appliances Regulation further defines that *"... this regulation does not apply to appliances specifically designed ... (a) for use in industrial processes carried out on industrial premises"*.

Conversely, this means that the regulation applies to commercial and household applications and the above-mentioned exception does not apply to these applications. However, typical applications of steam boilers do not serve heating purposes but provide energy for industrial processes in various industries (food, chemicals, food, etc.).

3) As part of a so-called GAD-AC (Gas Appliance Directive – Advisory Committee) meeting on 19 October 2017, the representative of the EU Commission's Legal Service confirmed that only commercially used warm water, hot water or steam boilers fall within the scope of the Gas Appliance Regulation in the case of a gas-fired unit. The term "unit" means that the boiler and burner are placed on the market as a single unit by a manufacturer or his authorised representative. In the sense of the Pressure Equipment Directive that would also be understood as an assembly.

Ultimately, therefore, steam boilers fall within the scope of application of the new Gas Appliances Regulation (EU) 2016/426 only if the manufacturer manufactures the boiler as well as the burner, including all gas-specific equipment, and places this unit on the market as a unit or assembly in accordance with the Pressure Equipment Directive and the application is not in the industrial sector.

This equally applies to manufacturers from third countries of the EU for the authorised representative appointed by this manufacturer.

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