

## **The Work at Height Safety Association**

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### **Technical Guidance Note 8**

#### **“Requirements for CE marking of anchor devices for protection against falls from height”**

A series of informative notes for all industries involved with work at height or rescue.

The Work at Height Safety Association (WAHSA) is a UK trade association for manufacturers of equipment for work at height and rescue. This series of guidance notes is published by WAHSA to provide information on topical issues relating to work at height which may be a source of confusion, or where other information may be lacking. The information provided is only intended to apply within the UK.

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## WAHSA technical guidance note no. 8

### Requirements for CE marking of anchor devices for protection against falls from height

#### Introduction

The Work at Height Safety Association has been requested by companies involved in the installation of anchor devices to provide guidance on the CE marking requirements of the products they install. This document provides an understanding of the current situation as it relates to the UK. The information included herein is only a summary of the position. Readers are advised to obtain their own copy of the documents referred to.

#### 1. OVERVIEW

While some EU countries have interpreted publications from Brussels to suggest that classes 'A', 'C' and 'D' anchor devices to EN795 are no longer considered to be PPE, DTI (now BERR) have confirmed that in the UK, these devices **are still considered to be PPE**, and therefore still **require CE marking and appropriate Category III PPE compliance, obtained through independent third party certification by a notified body.**

It is important to be aware that simply having a product tested by a notified body does not fully satisfy this - the CE marking procedure has additional requirements. Guidance on this procedure is given below.

This guidance note has been reviewed by BERR, who confirm that, at the date of publication, the information that it contains is correct.

#### 2. LEGISLATION

The requirement for PPE to be subjected to a prescribed assessment procedure and CE marked is contained in Council Directive 89/686/EEC (The Personal Protective Equipment Directive) which was enacted into UK law by The Personal Protective Equipment Regulations (the PPE Regulations). The current version of these Regulations is S.I. 2002 N0. 1144, which came into force on 15<sup>th</sup> May 2002.

Sections 3 to 5 of the Regulations set out what products are covered by the legislation. It was originally accepted that anchor devices for protection against falls from a height were **systems placed on the market in conjunction with PPE for its connection to another, additional device.** However this acceptance was subsequently questioned and the issue became confused.

This confusion was compounded when the Commission published a "warning" relating to EN795 in the official journal, which read

*"This publication (does not concern the equipment described in classes 'A' (Structural Anchors), C (anchor devices employing horizontal flexible lines) and D (anchor devices employing horizontal rigid rails) referred to in paragraphs 3.13.1, 3.13.3, 3.13.4, 4.3.1,4.3.3, 4.3.4, 5.2.1, 5.2.2, 5.2.4, 5.2.5, 5.3.2 (in respect of class A1) 5.3.3, 5.3.4, 5.3.5, 6 (in respect of classes A, C and D), Annex A (paragraphs A2, A3, A5 and A6), Annex B and Annex ZA (in respect of classes A, C and D), in respect of which there shall be no presumption of conformity with the provisions of Directive 89/686/EEC"*

There is nothing in this warning to suggest that classes A, C and D of EN795 are no longer considered to be PPE.

Although some member states have interpreted this warning to mean that anchor devices to classes A, C and D of EN 795 are no longer considered to be PPE, or that they no longer require to be subjected to the prescribed assessment procedure or CE marking, the wording of that warning does not confirm that interpretation. In a letter dated 10<sup>th</sup> March 2004, The Department of Trade and Industry made the following statements:

- ***“Whilst I confirm that the presumption of conformity has been withdrawn for certain classes of anchorages, within the EN 795 standard, it does not mean that these products are no longer within the scope of the PPE Directive”***
- ***In the meantime these anchors will remain PPE until such time as the PPE Directive and ultimately the PPE Regulations are amended to provide for their exclusion. These products will therefore require the CE marking and the appropriate Category III PPE compliance obtained through independent third party certification by a notified body.***

The DTI letter closes with: ***“May I stress at this point that what we are offering is an opinion and ultimately any interpretation of the PPE Regulations and the Directive would be a matter for the courts to decide”.***

More recently, HSE Construction Technical Minute number WAH8 (Rev 2, amended March 2007), confirmed that this situation was unchanged and clearly stated that anchor devices should be CE marked.

### **3. General Duty of Placing On The Market Of PPE**

Section 8 of the Regulations require that PPE may not be placed on the market unless:

- It satisfies basic health and safety requirements (see 8 (2)(a))
- An appropriate conformity assessment procedure has been carried out (see 8(2)(b)).
- The CE mark has been affixed to it (see 8(2)(c))
- When properly maintained and used for its intended purpose it does not compromise the safety of the user. (8(2)(d))

### **4. Conformity Assessment Procedures.**

Section 11 states that the appropriate assessment procedure in all cases shall be the assembly of such technical documentation as required under Schedule 3. It adds further requirements according to the classification of the type of PPE. Although it is not clear from the Regulations, reference to Article 8 (4)(a) of the Directive shows that Personal Protective Equipment for Protection Against Falls From a Height is “Complex” i.e. it is category III PPE.

Clause (b) of section 11 of the Regulations specifies the appropriate assessment procedure for series production of Category III PPE to be:

- The EC declaration of Conformity procedure described in Schedule 9. This procedure requires drawing up a declaration using the form laid down on Annex VI **AND** affixing the CE mark to **EACH PPE**.
- The EC type-examination procedure described in Schedule 7, which is a procedure whereby THE APPROVED INSPECTION BODY establishes and certifies that the PPE model satisfies the relevant provisions of the Directive. Full details of the procedure will be found in Schedule 7 to the Regulations. However, sub-section 2 to clause 4 (a) states that where there is no relevant harmonised standard (which is the case for classes A, C and D of EN795) ***“the body of which notification has been given (the notified body) must check the suitability of the technical specifications used by the manufacturer with respect to the basic requirements before examining the manufacturer’s technical file to establish it’s suitability with respect to those technical specifications”***

- One of the two checking of PPE manufactured procedures described in Schedule 8. This schedule offers two basic options:
  - i. The manufacturer **“takes all steps necessary to ensure that the manufacturing process, including the final inspection of PPE and tests, ensures the homogeneity of production and conformity of PPE with the type described in the EC type approval certificate and with the relevant basic requirements of this Directive”** A notified body of the manufacturer’s choice carries out checks, normally at intervals of at least one year. Samples of PPE taken by the notified body shall be examined and tests carried out to show conformity to the basic requirements of the Directive. Full requirements are given in Schedule 8, as Article 11A
  - ii. The operation of a suitable quality control system, including provisions for continual assessment of products placed on the market to confirm that their quality continues to be in accordance with the type-tested model (i.e the sample(s) used to obtain the original CE approval. The quality system must be approved by and periodically assessed by the notified body. An ISO 9000 series quality system will usually meet these requirements, providing that it includes the on-going assessment procedure for CE marked products. Full requirements are given in Schedule 8, as Article 11B

## 5. CE Marking

Section 12 of the Regulations requires that PPE bears the CE mark on a visible, legible and indelible form and that it is fixed in accordance with schedules 4 and 6. It is important to note that for Category III PPE the CE mark must be accompanied by the number of the notified body that carries out the Article 11 on-going inspection. (See 3 above)

## 6. Anchor Devices In Service Without CE Marking

The HSE Construction Division Technology Unit Minute WAH8, which deals specifically with class A1 anchor devices states:

12. **“Any incorrectly or unmarked anchors found therefore constitute non-compliance with the PPE Regulations 2002.....”**
- 14 (f) **“Anchor devices with none of the above markings are non compliant. These should be taken out of service and (if they were installed after 1992, referred to the local Trading Standards Authority), until they are replaced with CE marked products”**

Although this document deals only with class A1 anchor devices, it is logical that HSE would advocate similar actions where other classes of anchor device are found without appropriate marking. However it is important to note that the CDTU Minute WAH8 method of demonstrating fitness for purpose for class A1 must NOT be followed for any other class (including A2), as the proposed tests may well render other types of anchor device no longer fit for purpose.

## 7. Conclusions:

- **ALL** anchor devices for the prevention of falls from a height **ARE PPE** and **DO** require CE marking to the Regulations
- Classes A, C and D of EN 795 cannot presume conformity with the Essential Requirements by demonstrating conformity with EN795
- Anchor devices to classes A, C and D of EN795 should be CE approved by the Technical File route.
- Any anchor devices found in service, without the correct mark, should be withdrawn from service and reported to Training Standards, **UNLESS** they were originally installed prior to 1992