



ExNB Certification Institute

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ATEX Notified Body: 2684

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Fire Safety Compliance Certificate

What is it and why do we need it?

Legislative background – Fire Safety Act

The §4 of Act XXXI of 1996 on Fire Safety defines flammable or **potentially explosive** devices, machines and equipment as being **designed and manufactured to produce, process, use, store or dispense substances or mixtures** belonging to one of the following hazard classes and categories:

- ia) flammable gases,
- ib) flammable aerosols,
- ic) flammable liquids,
- id) flammable solid substances,
- ie) Type A, B, C or D self-reactive substances or mixtures,
- if) pyrophoric liquids,
- ig) pyrophoric solid substances,
- ih) substances and mixtures in Category 1 or 2 which emit, upon contact with water, flammable gases
- ii) oxidising liquids in Category 1
- ij) oxidising solid substances in Category 1
- ik) organic peroxides, A, B, C or D Type.

Legislative background – Fire Safety Act

The same Act (§13/A of Act XXXI of 1996) also states that the placing on the market, distributing and installing products not having the necessary certificate for placing on the market, distributing and installing [specified as “**Fire Safety Compliance Certificate**” at the place marked] is prohibited by the market surveillance authority [note: identified as Directorate General for Disaster Management of the Ministry of Interior “BM-OKF” by the Govt. Decree 367/2012. (XII. 17.)] which may also impose a market surveillance fine.

Legislative background - Ministerial Decree

The Decree 22/2009 (VII.23) by the Minister of Local Government (ÖM) stipulates the following concerning the FSCC :

§ 6(1) The certificate may only be issued if the product complies with the relevant fire protection and safety requirements.

The Decree 13/2017 (VI.8) by the Ministry of Interior adds:

§14: “technological systems” are not included in the scope of the FSCC.

Obligations concerning technological systems

According to §20 of Act XXXI of 1996

Prior to the introduction, placing on the market or, in their absence, operation of **any flammable or explosive technology**, the manufacturer, distributor, importer or authorized representative thereof or, in their absence, the customer or user, shall perform the **investigations** necessary to establish fire protection provisions or have a body, accredited or complying at least with the requirements applying on **designated certification bodies** perform such tests and **make the results of the tests available to the fire authority upon request.**

Obligations concerning technological systems

It means that commissioning and installing the machines, equipment and devices specified by Act XXXI require a FSCC, while the ÖM Decree also specifies the cases it may be issued: when the object in question complies with the relevant fire protection and safety provisions.

Without a FSCC, pieces of equipment may not be commissioned or used, generating immense financial losses.



ExNB's position

- In addition to **ATEX**, **this is a provision applying on everybody** who wishes to commission or sell flammable or explosive devices or equipment.
- The **Decree shall be applied to** each device, machine or piece of equipment not specified above which meet the following criteria:

*§3(2) of the Decree 22/2009 ÖM "A product which has been manufactured or placed on the market in Member State of the European Union or Turkey or manufactured in an EFTA State party to the Agreement on the European Economic Area, complying with the regulations applicable there, provided that the applicable regulations provide protection equivalent to the Hungarian regulations applying for the product with regard to the protection of human health and life. In order to protect human health and life, the **central body of the professional disaster management authority is entitled to demonstrate the required equivalence.**"*

Disaster Protection Authority's position

According to the Position 35000/10120/2017 of the Disaster Protection Authority:

“In the case of equipment certified according to Module A of the ATEX Directive 2014/34/EU (Categories 2 and 3) i.e. where it was the manufacturer who declared conformity according to the ATEX Directive 2014/34/EU, the FSCC is still an obligatory requirement.”

Essentially it means that **equipment with a certificate issued by a third party does not need an FSCC. On the other hand, equipment without such a certificate needs an FSCC.**

We will be glad to answer your questions!

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An independent and designated ATEX Certification Body approved by the authorities according to the Standards MSZ EN ISO/IEC 17020, 17024 and 17065 (Notified Body 2684)

Fire Safety Compliance Certification and Fire Safety Assessment of devices, machines, equipment flammable or explosive according to Point 6 of Annex 1 of the Decree 22/2009 (VII.23) ÖM and the technologies specified by §20 of Act XXXI of 1996