

Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (recast) (Text with EEA relevance)

CHAPTER 1

GENERAL PROVISIONS

Article 1

Scope

- 1 This Directive shall apply to explosives for civil uses.
- 2 This Directive shall not apply to:
 - a explosives, including ammunition, intended for use, in accordance with national law, by the armed forces or the police;
 - b pyrotechnic articles falling within the scope of Directive 2013/29/EU;
 - c ammunition, save as provided for in Articles 12, 13 and 14.

Annex I contains a non-exhaustive list of pyrotechnic articles and ammunition referred to in point (b) of this paragraph and in point 2 of Article 2 respectively identified following the United Nations recommendations on the transport of dangerous goods.

- 3 This Directive shall not prevent Member States from designating certain substances not covered by this Directive as explosives under national laws or regulations.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (1) ‘explosives’ means the materials and articles considered to be explosives in the United Nations recommendations on the transport of dangerous goods and falling within Class 1 of those recommendations;
- (2) ‘ammunition’ means projectiles with or without propelling charges and blank ammunition used in portable firearms, other guns and artillery;
- (3) ‘safety’ means the prevention of accidents and, where prevention fails, the containment of their effects;
- (4) ‘security’ means the prevention of use contrary to law and order;
- (5) ‘approval’ means the decision taken to allow envisaged transfers of explosives within the Union;
- (6) ‘transfer’ means any physical movement of explosives within the Union except movements within one and the same site;

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (7) 'making available on the market' means any supply of an explosive for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
- (8) 'placing on the market' means the first making available of an explosive on the Union market;
- (9) 'manufacturer' means any natural or legal person who manufactures an explosive or has an explosive designed or manufactured, and markets that explosive under his name or trade mark or uses it for his own purposes;
- (10) 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;
- (11) 'importer' means any natural or legal person established within the Union who places an explosive from a third country on the Union market;
- (12) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes an explosive available on the market;
- (13) 'economic operators' means the manufacturer, the authorised representative, the importer, the distributor and any natural or legal person who engages in the storage, use, transfer, import, export or trade of explosives;
- (14) 'dealer' means any natural or legal person whose occupation consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of fire arms and ammunition;
- (15) 'technical specification' means a document that prescribes technical requirements to be fulfilled by an explosive;
- (16) 'harmonised standard' means harmonised standard as defined in point (c) of point 1 of Article 2 of Regulation (EU) No 1025/2012;
- (17) 'accreditation' means accreditation as defined in point 10 of Article 2 of Regulation (EC) No 765/2008;
- (18) 'national accreditation body' means national accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008;
- (19) 'conformity assessment' means the process demonstrating whether the essential safety requirements of this Directive relating to an explosive have been fulfilled;
- (20) 'conformity assessment body' means a body that performs conformity assessment activities including calibration, testing, certification and inspection;
- (21) 'recall' means any measure aimed at achieving the return of an explosive that has already been made available to the end-user;
- (22) 'withdrawal' means any measure aimed at preventing an explosive in the supply chain from being made available on the market;
- (23) 'Union harmonisation legislation' means any Union legislation harmonising the conditions for the marketing of products;

- (24) ‘CE marking’ means a marking by which the manufacturer indicates that the explosive is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing.

Article 3

Free movement

Member States shall not prohibit, restrict or hinder the making available on the market of explosives which satisfy the requirements of this Directive.

Article 4

Making available on the market

Member States shall take the necessary measures to ensure that explosives may be made available on the market only if they comply with the requirements of this Directive.