

SCHEDULE 16

Amendment of the Explosives Regulations 2014

PART 1

Amendments to the Explosives Regulations 2014

Insertion of regulation 64A

23. After regulation 64 insert—

“Obligations which are met by complying with obligations in the Directive

64A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “CE marking” has the meaning given to it in Article 2(24);
- (c) “harmonised standard” has the meaning given to it in Article 2(16).

(2) Subject to paragraphs (6) and (7), paragraph (3) applies where, before placing a civil explosive on the market, the manufacturer—

- (a) ensures that the civil explosive has been designed and manufactured in accordance with the essential safety requirements set out in Annex II;
- (b) ensures that the relevant conformity assessment procedures that apply to that civil explosive in accordance with Article 20 have been carried out;
- (c) draws up the technical documentation referred to in Annex III;
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (e) affixes a CE marking, in accordance with Articles 22 and 23(1) to (5);
- (f) draws up an EU declaration of conformity, in accordance with Article 21; and
- (g) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 39, 40, 41(1) and 41(3) are to be treated as being satisfied;
- (b) regulations 41(2), 42, 43(2), 46(2) and 64 apply subject to the modifications in paragraph (10); and
- (c) Schedule 12 paragraph 12 does not apply.

(4) Subject to paragraphs (6) and (7), paragraph (5) applies where, before placing a civil explosive on the market, the importer ensures that—

- (a) the relevant conformity assessment procedures that apply to that explosive in accordance with Article 20 have been carried out;
- (b) the manufacturer has drawn up the technical documentation referred to in Annex III; and
- (c) the civil explosive bears the CE marking referred to in Article 23.

- (5) Where this paragraph applies—
- (a) the requirements of regulation 48(1)(a) to (c) are to be treated as being satisfied; and
 - (b) regulations 47, 49(1), 52 and 60 apply subject to the modifications in paragraph (10).
- (6) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 19.
- (7) Where paragraph (6) applies paragraphs (2)(b) and (4)(a) are to be treated as requiring the manufacturer to carry out one of the conformity assessment procedures set out in Article 20.
- (8) Paragraph (9) applies where, before making a civil explosive available on the market, a distributor ensures that the civil explosive bears the CE marking referred to in Article 23.
- (9) Where this paragraph applies—
- (a) regulation 56(1)(a)(i) is to be treated as being satisfied; and
 - (b) regulations 57(1) and 60 apply subject to the modifications in paragraph (10).
- (10) The modifications referred to in sub-paragraphs (3)(b), (5)(b) and (9)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
 - (c) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements referred to in Annex II;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
 - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedures referred to in Article 20;
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex III.

Conformity assessment procedure obligation which is met by complying with the Directive

- 64B.**—(1) In this regulation—
- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
 - (b) “harmonised standard” has the meaning given to it in Article 2(16).
- (2) Subject to paragraphs (4) and (5), paragraph (3) applies where, prior to the manufacture of a civil explosive, the manufacturer ensures that the conformity assessment procedure that applies to that explosive in accordance with Article 20(a) has been carried out.
- (3) Where this paragraph applies—
- (a) any reference to “relevant conformity assessment procedure” in regulations 40(a), 41(1), 48(1)(a), 64(1)(b), 67(b) and 68(3) are to be read as including the conformity assessment procedure referred to in Article 20(a) of the Directive; and

(b) any reference to “technical documentation” in regulations 40(b), 42, 48(1)(b), 52(b), and in paragraph 12(1)(d) of Part 1 of Schedule 12 and Schedule 17 is to be read as including the technical documentation relating to the design of the civil explosive referred to in Annex III.

(4) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 19.

(5) Where paragraph (4) applies paragraph (2) is to be treated as requiring the manufacturer to have carried out the conformity assessment procedure set out in Article 20.”.