

TRANSPPOSITION NOTE:

**Council Directive 93/15/EEC, as amended by:
Regulation 1882/2003/EC of the European Parliament and of the Council;
Regulation 219/2009/EC of the European Parliament and of the Council;
and
Regulation 1025/2012/EU of the European Parliament and of the Council**

This Transposition Note is for the implementation of Council Directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses, as amended by Regulation 1882/2003/EC, Regulation 219/2009/EC and Regulation 1025/2012/EU.

Council Directive 93/15/EEC was previously implemented by the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993 (S.I. 1993/2714). S.I. 1993/2714 has now been consolidated into the Explosives Regulations 2014.

Introductory
Note:

These Regulations are called **the Explosives Regulations 2014**

Article	Objective	Implementation	Responsibility
Article 1.1 to 1.3	Scope and definition of "Explosives" for the purposes of the Directive	Regulation 2(1), definition of "civil explosive".	
Article 1.4	Definitions.	Regulation 2(1) for "United Nations recommendations" and "transfer". Regulation 39(4) for "placing on the market". "Dealer" is covered by GB Firearms legislation. Other Article 1.4 definitions are in the main not used in regulation 2 however the scope of the regulations cover their subject	

		matter.	
Article 1.5	Scope of the directive with respect to explosives that are not subject to the Directive's requirements.	No transposition is necessary.	
Article 2	Harmonisation of laws relating to explosives and Conformity Marking.	Regulation 39.	Secretary of State.
Article 3	Requires explosives placed on the market to comply with safety requirements.	Regulation 39(1) and Schedule 9.	As above
Article 4.1	Assumption that explosives compliant with harmonised standards are compliant with the essential safety requirements.	Regulation 39(1) and (2).	As above.
Article 4.2	Duties of the Commission with respect to harmonised standards	No transposition is necessary.	
Article 5	Committee to deliver opinion where harmonised standards in Article 4 do not meet requirements of Article 3.	No transposition is necessary. This Article was omitted by Regulation (EU) No. 1025/2012 of the European Parliament and of the Council of 25 October 2012 (L 316 14.11.2012 p.12).	
Article 6.1	Procedures for attestation of conformity of explosives.	Regulation 40(1).	Secretary of State.
Article 6.2	Notification of	Regulation 41.	As above.

	bodies carrying out assessment of conformity.		
Article 7	CE marking requirements.	Regulation 42 and Schedules 10 and 12.	As above.
Article 8.1	Measures where explosive bearing CE marking may compromise safety.	Schedule 12.	As above
Article 8.2	Commission to consult with parties where explosive bearing CE marking may compromise safety.	No transposition is necessary.	
Article 8.3	Member State to take appropriate measures where CE conformity marking is borne by a non-compliant explosive.	Schedule 12.	Secretary of State.
Article 8.3 (continued)	Member State to inform Commission where explosive bearing CE marking may compromise safety.	No transposition necessary.	
Article 9	Provisions governing the supervision of transfers of explosives.	Regulation 2(1), definition of "transfer" and Regulation 8.	Secretary of State.
Article 10	Transfer of ammunition between Member States.	Implemented by firearms legislation.	
Article 11	Powers of Member States to make derogations from Article 9.3, 5, 6 and 7.	No derogations made.	
Article 12	Information	No transposition	

	exchanges relating to Article 9 and 10	necessary	
Article 13	Commission to set up committee	No transposition is necessary.	
Article 14 paragraph 1	Requires the retention of information in relation to licence, or other authorisation, holders.	Regulation 15 and Schedule 4	Secretary of State.
Article 14 paragraphs 2 & 3	Requires identification of licence, or other authorisation, holders and their keeping of records.	See transposition note for the Commission Directive 2008/43/EC as amended by Commission Directive 2012/4/EU.	As above.
Article 14 paragraph 4	Requires the retention of documents.	Regulation 8 (6) and see also the transposition note for Commission Directive 2008/43/EC as amended by Commission Directive 2012/4/EU.	As above.
Article 15	Requires explosives to be properly marked.	Regulation 42 and Schedule 12.	As above.
Article 16	Requires licence holders to be capable of complying with technical commitments.	Regulations 19 and 20.	As above.
Article 17	Requires penalties to be determined	Schedule 12	As above.
Article 18	Requirement for measures to enable seizing of products	Schedule 12	As above.
Article 19	Dates for the provisions to apply from,	S.I. 1993/2714 and these Regulations	As above.

	publication of laws and reference to the Directive.	(regulation 1 for commencement and the Explanatory Note for the reference to the Directive).	
Article 20	Directive applicable to Member States.	No transposition is necessary.	
Annex I	Essential Safety Requirements.	Schedule 9.	Secretary of State.
Annex II	EC type-examination (Conformity attestation).	Regulation 40.	As above
Annex III	Minimum criteria to be taken into account by Member State for the notification of bodies.	Regulation 41(3).	As above
Annex IV	Conformity Marking.	Schedule 10.	As above

TRANSPPOSITION NOTE:

Commission Directive 2008/43/EC, as amended by Commission Directive 2012/4/EU

This Transposition Note is for the implementation of Commission Directive 2008/43/EC of 4th April 2008 setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses, as amended by Commission Directive 2012/4/EU.

Commission Directive 2008/43/EC, as amended by Commission Directive 2012/4/EU was previously implemented by the Identification and Traceability of Explosives Regulations 2012 (S.I. 2012/638) which were revoked and replaced by the Identification and Traceability of Explosives Regulations 2013 (S.I. 2013/449). S.I. 2013/449 has now been consolidated into the Explosives Regulations 2014.

Introductory Note:

These Regulations are called **the Explosives Regulations 2014**

Article	Objective	Implementation	Responsibility
Article 1.	Subject matter of the Directive.	While no specific transposition of this Article is necessary, the	

		Regulations cover its subject matter.	
Article 2.	Scope.	Regulation 2 (1) definition of “civil explosive” (The disapplications in (b) and (c) of the definition of “civil explosive” are derived from Article 1.3 of the parent Directive 93/15/EEC of 5 th April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses.). Regulation 3(15)(a) to (d).	
Article 3.1, first paragraph.	Requires manufacturers and importers to mark explosives with a unique identification.	Regulation 33(1) and (5) and Schedule 7.	Secretary of State.
Article 3.1, second paragraph.	This makes provision as to when a new unique identification is required in place of an original, after a further manufacturing process.	Regulation 33(4).	As above.
Article 3.2.	Marking with a unique identification is not required where manufactured for export and the marking is in	Regulation 33(3).	As above.

	accordance with the importing country's requirements.		
Article 3.3	The unique identification is to comprise the components in the Annex.	Regulation 33(2)(a) and Schedule 6.	As above.
Article 3.4.	Manufacturing sites are to be attributed a three digit code.	Regulation 34(1) and (2).	As above.
Article 3.5, first paragraph.	For manufacturing sites outside the EU with a manufacturer established in the EU, the importing national authority is to attribute a code to the manufacturer.	Regulation 34(3)(a) and (c), (4) and (6).	As above.
Article 3.5, second paragraph.	For manufacturing sites outside the EU with a manufacturer not established in the EU, the importing national authority is to attribute a code to the importer.	Regulation 34(3)(b) and (5).	As above.
Article 3.6.	This makes provision as to distributors who repackage explosives.	Regulation 33(7).	As above.
Article 4.	Requires the marking of the unique identification to be durable and legible.	Regulation 33(2)(b).	As above.
Article 5, first paragraph.	Marking of cartridge explosives and explosives in	Regulation 33(1) and Schedule 7, paragraph 1(a) and (b).	As above.

	sacks.		
Article 5, second paragraph.	Attaching tags to cartridged explosives and explosives in sacks.	Regulation 33(1) and Schedule 7, paragraph 1(c).	As above.
Article 6.	Marking of two-component explosives.	Regulation 33(1) and Schedule 7, paragraph 2.	As above.
Article 7, first paragraph.	Marking of plain detonators.	Regulation 33(1) and Schedule 7, paragraph 3(a) and (b).	As above.
Article 7, second paragraph.	Attaching tags to plain detonators.	Regulation 33(1) and Schedule 7, paragraph 3(c).	As above.
Article 8, first paragraph.	Marking electric, non-electric and electronic detonators.	Regulation 33(1) and Schedule 7, paragraph 4(a) and (b).	As above.
Article 8, second paragraph.	Attaching tags to electric, non-electric and electronic detonators.	Regulation 33(1) and Schedule 7, paragraph 4(c).	As above.
Article 9, first paragraph.	Marking primers and boosters.	Regulation 33(1) and Schedule 7, paragraph 5(a) and (b).	As above.
Article 9, second paragraph.	Attaching tags to primers and boosters.	Regulation 33(1) and Schedule 7, paragraph 5(c).	As above.
Article 10, first paragraph.	Marking detonating cords.	Regulation 33(1) and Schedule 7, paragraph 6(a) to (c).	As above.
Article 10, second paragraph.	Attaching tags to detonating cords.	Regulation 33(1) and Schedule 7, paragraph 6(d).	As above.
Article 11, first paragraph.	Marking cans and drums containing explosives.	Regulation 33(1) and Schedule 7, paragraph 7(a).	As above.
Article 11, second paragraph.	Attaching tags to cans and drums containing explosives.	Regulation 33(1) and Schedule 7, paragraph 7(b).	As above.
Article 12.	Copies of original labels.	Regulation 33(1) and Schedule 7, paragraph 9.	As above.

Article 13.1.	Requires data collection in relation to explosives.	Regulation 36(1), (2) and (3).	As above.
Article 13.2.	Data collection is to allow holders of explosives to be identified.	Regulation 36(1), (3) and (4).	As above.
Article 13.3	Requires the data to be kept for ten years after the end of the explosive's life cycle.	Regulation 36(6) and (9).	As above.
Article 14(a)	Requirements as to the record to be kept.	Regulation 36(1) and (3)(a), (c) and (d).	As above.
Article 14(b)	The record is to cover the location of the explosives.	Regulation 36(1) and (3)(b).	As above.
Article 14(c)	The data collection system is to be tested regularly.	Regulation 36(5).	As above.
Article 14(d)	The record is to be kept and maintained.	Regulation 36(1) and (6).	As above.
Article 14(e)	The data is to be protected.	Regulation 36(7).	As above.
Article 14(f)	Provision of information to the competent authority about the origin and location of the explosive.	Regulation 36(8)(a).	As above.
Article 14(g)	The provision of information to the national authority as to contact details of persons.	Regulation 36(8)(b).	As above.
Article 14, final paragraph	Requires records to be maintained in accordance with national provisions for explosives manufactured or imported before	Regulation 35	As above.

	5th April 2015.		
Article 15, paragraph 1, 1st sub-paragraph	Transposition.	By these Regulations and, before them, by S.I. 2013/449, which revoked and replaced S.I. 2012/638.	As above.
Article 15, paragraph 1, 2nd sub-paragraph	Dates for the provisions to apply from.	Regulation 1.	As above.
Article 15, paragraph 1, 3rd sub-paragraph	Provisions Transposing the Directive to refer to the Directive .	Explanatory Note.	As above.
Article 15a	Commission review by 31.12.2020 on whether to revoke point 3 of the Annex.	No transposition is necessary.	
Article 16	Entry into force.	No transposition is necessary.	
Article 17	The Directive is addressed to Member States.	No transposition is necessary.	
Annex, points 1 and 2 and paragraph 1 of point 3	The description of the unique identification.	Regulation 33(2)(a) and Schedule 6.	As above.
Annex, paragraphs 2 to 5 of point 3	Marking of very small articles.	Regulation 33(1)(a) and Schedule 7, paragraph 10.	As above.