
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement, as regards Great Britain, [Directive 2014/28/EU](#) of the European Parliament and of the Council 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) (“the Directive”).

2. The Directive repeals and replaces Council [Directive 93/15/EEC](#) on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses(1) (“the repealed Directive”) as amended by Regulation [\(EC\) No 1882/2003](#) of the European Parliament and of the Council of 29th September 2003(2), Regulation [\(EC\) No 219/2009](#) of the European Parliament and of the Council of 11th March 2009(3) and Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25th October 2012(4).

3. The repealed Directive was first implemented as respects Great Britain by the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993(5) (“the 1993 Regulations”). Those Regulations were revoked by the consolidating Explosives Regulations 2014(6) (“the 2014 Regulations”), which included provisions replacing the 1993 Regulations in Part 13 of the 2014 Regulations. Part 13 is now substituted by these Regulations and is for implementing the Directive.

4. Part 2 of these Regulations includes the amendments to the 2014 Regulations. The main amendments are the definitions added to regulation 2 of those Regulations, including a revised definition of “civil explosive” (regulation 4), the substituted Part 13 (regulation 7) and the related substitution of Schedule 12 for enforcement and market surveillance (regulation 13) and the addition of two Schedules concerning notified bodies (regulation 14).

5. The substituted Part 13 makes provision in relation to “economic operators” (for which a definition is added to regulation 2(1) of the 2014 Regulations), conformity assessment and notification of conformity assessment bodies. Duties are imposed on manufacturers, importers and distributors of civil explosives. Provision is made as to the appointment in writing of authorised representatives by manufacturers who may then perform certain tasks on the manufacturer’s behalf. For manufacturers the duties include ensuring that a civil explosive has been designed and manufactured in accordance with the essential safety requirements set out in Schedule 9 to the 2014 Regulations, having a relevant conformity assessment procedure carried out before the civil explosive is placed on the market and affixing the CE marking.

6. For importers the obligations include ensuring that they are not placing on the market civil explosives which are not in conformity with the essential safety requirements, checking that the manufacturer has carried out a relevant conformity assessment procedure and indicating on the civil explosive the address, name, registered trade name or trade mark of the importer.

7. The obligations on distributors include acting with due care to ensure that civil explosives are in conformity with Part 13 and checking that the civil explosives bear the CE marking.

8. Sub-Part C of the substituted Part 13 sets out provisions concerning the bodies which can carry out conformity assessment procedures under the 2014 Regulations.

(1) OJNo. L121, 15.5.1993, p.20.

(2) OJ No. L 284, 31.10.2003, p. 1.

(3) OJ No. L 87, 31.3.2009 p. 109.

(4) OJ No. L 316, 14.11.2012, p. 12.

(5) [S.I. 1993/2714](#).

(6) [S.I. 2014/2714](#), to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

9. The substituted Schedule 12 makes provision as to enforcement and market surveillance and related matters. The Health and Safety Executive is designated as the market surveillance authority for Great Britain in respect of civil explosives. The enforcement powers of the Health and Safety Executive include being able to serve compliance, withdrawal or recall notices.

10. Regulation 14 of these Regulations inserts Schedules 15 and 16 into the 2014 Regulations which set out, respectively, notified body requirements and operational obligations of notified bodies.

11. Part 3 provides for transitional provisions and a consequential amendment.

12. A transposition note and full impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector are available from the Health and Safety Executive, Redgrave Court, Merton Road, Merseyside, L20 7HS and are also published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk. Copies of these documents are available in the libraries of both Houses of Parliament.