

Commission Decision of 15 April 2004 on an Intra-Community transfer of explosives document (notified under document number C(2004) 1332) (2004/388/EC)

COMMISSION DECISION

of 15 April 2004

on an Intra-Community transfer of explosives document

(notified under document number C(2004) 1332)

(2004/388/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1993/15/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<sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) The system for transferring explosives within the territory of the Community established by Directive 1993/15/EEC provides for the approval of the different competent authorities responsible for the zones of origin, transit and destination of the explosives.
- (2) A model document to be used for the transfer of explosives, comprising the information required for the purposes of Article 9(5) and (6) of Directive 93/15/EEC, should be established, in order to facilitate transfers of explosives between Member States while preserving the necessary security requirements for the transfer of these products.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Management Committee established pursuant to Article 13(1) of Directive 1993/15/EEC,

HAS ADOPTED THIS DECISION:

*Article 1*

1 The information required for the purposes of Article 9(5) and (6) of Directive 1993/15/EEC shall be provided using the model 'Intra-Community transfer of explosives document' set out in the Annex and accompanying explanatory notes.

2 The model document shall be accepted by the competent authorities as a valid transfer document to accompany the explosives for transfers between Member States until the explosives arrive at their destination.

3 This Decision shall not apply to ammunition.

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*Status: Point in time view as at 29/10/2010.*

*Changes to legislation: There are outstanding changes not yet made to Commission Decision of 15 April 2004 on an Intra-Community transfer of explosives document (notified under document number C(2004) 1332) (2004/388/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

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## Article 2

The Intra-Community transfer of explosives document, hereinafter referred to as ‘the document’, shall be established in triplicate. Member States shall take appropriate measures, including adequate means of secure identification, to ensure that the document cannot be falsified.

## Article 3

The document shall be printed on paper weighing at least 80 g/m<sup>2</sup>. The paper's strength shall be such that in normal use it does not easily tear or crease.

### [<sup>F1</sup>Article 3a

Where the Member State of origin, the Member State of the recipient and any transit Member States all use a common electronic system for the approval of the transfer of explosives within the Union, the procedure set out in the second to fifth subparagraphs shall apply.

The consignee shall submit the intra-Community transfer of explosives document in paper version or in an electronic version with sections 1 to 4 completed only to the competent authority of the recipient Member State for approval.

After giving its own approval, the recipient Member State shall send the approval to the Member State of origin using the common electronic system.

After giving its own approval, the competent authority of the Member State of origin shall seek the approval from the competent authorities of all transit Member States using the common electronic system.

After having received all approvals, the competent authority of the Member State of origin shall issue the intra-Community transfer of explosives document indicating the agreement of all Member States concerned to the supplier on securely identifiable paper and in the language(s) of the Member State of origin, the Member State(s) of transit (if applicable), the recipient Member State and in English.]

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### Textual Amendments

- F1** Inserted by [Commission Decision of 19 June 2010 amending Decision 2004/388/EC on an Intra-Community transfer of explosives document \(notified under document C\(2010\) 3666\) \(Text with EEA relevance\) \(2010/347/EU\)](#).

## Article 4

This Decision shall apply from six months after publication in the *Official Journal of the European Union*. Its entry into force shall leave existing fixed period approvals for multiple transfers valid until their expiry date.

## Article 5

This Decision is addressed to the Member States.

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## ANNEX

### Intra-Community transfer of explosives document (Article 9(5) and (6) of Directive 93/15/EEC)

#### EXPLANATORY NOTES

1. The recipient of the explosives shall complete sections 1 to 4 of the Intra-Community transfer of explosives document and submit that document to the recipient competent authority for approval.
2. In addition to obtaining the approval of the recipient competent authority (section 6), the person responsible for the transfer must notify it to the competent authorities of the transit Member States and Member State of origin, whose approvals are also required (Section 5). Competent authority approvals can either be on the same document or as a collection of separate documents. In all cases the approval must be securely identified. ►<sup>(1)</sup>This point does not apply in case the common electronic system described in Article 3a is used. ◀
3. Where the competent authority of a Member State considers that special security requirements are necessary, prior provision of all the information in the document is necessary. If none of the competent authorities involved in the transaction considers that special security requirements are necessary, only the information marked with an asterisk (\*) must be provided.
4. In all cases, the document must accompany the explosives until they arrive at their destination.
5. 'Full description of the explosives' means the trade name and/or UN proper shipping name and any other appropriate information to assist in the identification of the items. Where the explosives are not CE marked this should be clearly indicated.
6. 'Quantity' means as appropriate, the number of articles or the net mass of explosives.

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- (1) [OJ L 121, 15.5.1993, p. 20](#). Directive amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1](#)).

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