

## II

(Acts whose publication is not obligatory)

## COMMISSION

## 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,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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,

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.

Whereas:

3. This Decision shall not apply to ammunition.

(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.

*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.

(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.

*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.

(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,

*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.

<sup>(1)</sup> 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).

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 15 April 2004.


*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

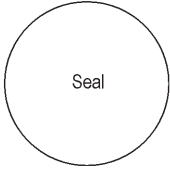
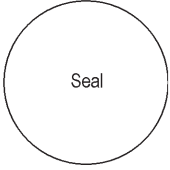
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## ANNEX

**Intra-Community transfer of explosives document**

(Article 9(5) and (6) of Directive 93/15/EEC)

		<b>INTRA-COMMUNITY TRANSFER OF EXPLOSIVES</b> (except ammunition) <b>(Article 9 of Directive 1993/15/EEC)</b>				
<b>1. Nature of authorisation</b>						
Expiry date *:						
<input type="checkbox"/> <b>Single transfer</b> (Article 9(5))				<input type="checkbox"/> <b>Multiple transfers - fixed period</b> (Art. 9(6))		
<b>2. Details of operators concerned</b>						
<b>2.1. Recipient applicant *</b>				<b>2.2. Supplier</b>		
Name:				Name:		
Address (headquarters):				Address (headquarters):		
Telephone:				Telephone:		
Fax:				Fax:		
E-mail:				E-mail:		
Signature:						
<b>2.3. Transport operator(s)</b>						
Name:		Name:		Name:		
Address (headquarters):		Address (headquarters):		Address (headquarters):		
Telephone:		Telephone:		Telephone:		
Fax:		Fax:		Fax:		
E-mail:		E-mail:		E-mail:		
<b>3. Full description of the explosives</b>						
UN No *	Class/ division	Trade name *	CE marking (Yes/No)	Factory address	Quantity *	Other relevant information

<b>4. Transfer details</b>				
<b>4.1. Location and calendar:</b>				
Place of departure:			Departure date:	
Place of delivery:			Expected arrival date:	
<b>4.2. General circumstances of the itinerary:</b>				
Member State	Point of entry	Point of exit	Means of transport	
<b>5. Authorisations from the authorities in the Member States of transit including secure identification (e.g. stamp)</b>				
COUNTRY OF ORIGIN	DATE OF AUTHORISATION	AUTHORISATION NUMBER	EXPIRY DATE	
TRANSIT COUNTRIES	DATE OF AUTHORISATION	AUTHORISATION NUMBER	EXPIRY DATE	
<b>6. Authorisation from the authority in the Member State of recipient (including secure identification)</b>				
Date:				
Position in signatory authority:				
(signature)				

*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.
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.