

Council Directive 93/15/EEC of 5 April 1993 on the
harmonization of the provisions relating to the placing on the
market and supervision of explosives for civil uses (repealed)

COUNCIL DIRECTIVE 93/15/EEC

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the market and supervision of explosives for civil uses (repealed)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission⁽¹⁾,

In cooperation with the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas Article 8a of the Treaty provides that the internal market must be established not later than 31 December 1992; whereas the internal market is to comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty;

Whereas Article 100a (3) of the Treaty provides that the Commission, in its proposals concerning safety, will take as a base a high level of protection;

Whereas the free movement of goods presupposes that certain basic conditions are fulfilled; whereas, in particular, the free movement of explosives presupposes harmonization of laws on the placing of explosives on the market;

Whereas explosives for civil uses are covered by detailed national regulations, mainly in respect of safety and security requirements; whereas such national regulations provide, in particular, that marketing authorizations be granted only where explosives have satisfactorily undergone a series of tests;

Whereas harmonization of provisions governing the placing of such explosives on the market presupposes that divergent national rules will be harmonized in order to ensure the free movement of these products without lowering optimum levels of safety and security;

Whereas this Directive defines only the essential requirements which must be met by explosives conformity tests; whereas, in order to facilitate the process of demonstrating compliance with the essential requirements, it would be very useful to process standards harmonized at European level concerning, *inter alia*, methods for testing explosives; whereas such standards do not exist at present;

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Whereas standards harmonized at European level are drawn up by private bodies and must retain their status as non-mandatory text; whereas, in this connection, the European Committee for Standardization (CEN) has been recognized as one of the two bodies competent to adopt harmonized standards in accordance with the general guidelines for cooperation between the Commission and CEN and Cenelec, ratified on 13 November 1984; whereas, for the purposes of this Directive, 'harmonized standard' means a text setting out technical specifications adopted by CEN under a mandate conferred by the Commission, in accordance with Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽⁴⁾ and in keeping with the abovementioned general guidelines;

Whereas the Council, in its Decision 90/683/EEC of 13 December 1990 concerning the modules for the various phases of the conformity assessment procedures which are intended to be used in the technical harmonization directives⁽⁵⁾, introduced harmonized means of applying procedures for conformity assessment; whereas the application of these modules to explosives will make it possible to determine the responsibility of manufacturers and of bodies responsible for applying procedures for conformity assessment by taking account of the nature of the explosives concerned;

Whereas, as regards safety, the rules concerning the transport of explosives are covered by international conventions and agreements; whereas, at international level, there are United Nations recommendations on the transport of dangerous goods (including explosives), the scope of which extends beyond the Community framework; whereas, in consequence, this Directive does not concern the transport rules;

Whereas, pyrotechnical articles require appropriate measures to ensure the protection of consumers and the safety of the public; whereas an additional directive is planned in this field;

Whereas the definition of the products covered by this Directive should be based on the definition of such products as set out in the abovementioned recommendations;

Whereas the scope of this Directive covers ammunition, but only as regards the rules governing controls on transfers and the associated arrangements; whereas, since ammunition is transferred under conditions similar to those under which arms are transferred, transfers of ammunition should be governed by provisions similar to those applicable to arms, as set out in Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons⁽⁶⁾;

Whereas the health and safety of workers producing or using explosives must also be protected; whereas an additional directive is in the course of preparation covering, *inter alia*, the health and safety of workers engaged in activities relating to the manufacture, storage and use of explosives;

Whereas it is appropriate in the case of a serious threat to, or attack on, public safety by reason of the illicit possession or use of explosives or ammunition falling within this Directive, to allow Member States to derogate, under certain conditions, from the provisions of this Directive with regard to transfer;

Whereas, finally, it is essential to establish administrative cooperation mechanisms; whereas it is appropriate in this connection for the competent authorities to base their approach on Council

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Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters⁽⁷⁾;

Whereas this Directive does not affect the power of Member States to take measures with a view to preventing illegal trade in explosives and ammunition,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ No C 121, 13.5.1992, p. 19.](#)
- (2) [OJ No C 305, 23.11.1992, p. 128;](#) and [OJ No C 115, 26.4.1993.](#)
- (3) [OJ No C 313, 30.11.1992, p. 13.](#)
- (4) [OJ No L 109, 26.4.1983, p. 8.](#) Directive as last amended by Commission Decision 90/230/EEC ([OJ No L 128, 18.5.1990, p. 15.](#))
- (5) [OJ No L 380, 31.12.1990, p. 13.](#)
- (6) [[OJ No L 256, 13.9.1991, p. 51.](#)]
- (7) [OJ No L 144, 2.6.1981, p. 1.](#) Regulation as amended by Regulation (EEC) No 945/87 ([OJ No L 90, 2.4.1987, p. 4.](#))