

Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 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) (Text with EEA relevance)

## CHAPTER 4

### CONFORMITY OF THE EXPLOSIVE

#### *Article 19*

#### **Presumption of conformity of explosives**

Explosives, which are in conformity with harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union* shall be presumed to be in conformity with the essential safety requirements set out in Annex II covered by those standards or parts thereof.

#### *Article 20*

#### **Conformity assessment procedures**

For the assessment of the conformity of explosives the manufacturer shall follow one of the following procedures referred to in Annex III:

- (a) EU-type examination (Module B) and, at the choice of the manufacturer, any of the following:
  - (i) conformity to type based on internal production control plus supervised product checks at random intervals (Module C2);
  - (ii) conformity to type based on quality assurance of the production process (Module D);
  - (iii) conformity to type based on product quality assurance (Module E);
  - (iv) conformity to type based on product verification (Module F);
- (b) conformity based on unit verification (Module G).

#### *Article 21*

#### **EU declaration of conformity**

1 The EU declaration of conformity shall state that the fulfilment of the essential safety requirements set out in Annex II has been demonstrated.

2 The EU declaration of conformity shall have the model structure set out in Annex IV, shall contain the elements specified in the relevant modules set out in Annex III and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the explosive is placed or made available on the market.

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3 Where an explosive is subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the Union acts concerned including their publication references.

4 By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the explosive with the requirements laid down in this Directive.

#### *Article 22*

### **General principles of the CE marking**

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

#### *Article 23*

### **Rules and conditions for affixing the CE marking**

1 The CE marking shall be affixed visibly, legibly and indelibly to the explosive. Where that is not possible or not warranted on account of the nature of the explosive, it shall be affixed to the packaging and to the accompanying documents.

2 The CE marking shall be affixed before the explosive is placed on the market.

3 The CE marking shall be followed by the identification number of the notified body, where that body is involved in the production control phase.

The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or his authorised representative.

4 The CE marking and, where applicable, the identification number of the notified body may be followed by any other mark indicating a special risk or use.

5 In cases of explosives manufactured for own use, explosives transported and delivered unpackaged or in Mobile Explosives Manufacturing Units (MEMUs) for their direct unloading into the blast-hole, and explosives manufactured at the blasting sites which are loaded immediately after being produced (in situ production), the CE marking shall be affixed to the accompanying documents.

6 Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.