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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations, in respect of Northern Ireland, implement [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<sup>(1)</sup> (the repealed Directive) as amended by Regulation [\(EC\) No 1882/2003](#) of the European Parliament and of the Council of 29th September 2003<sup>(2)</sup>, Regulation [\(EC\) No 219/2009](#) of the European Parliament and of the Council of 11th March 2009<sup>(3)</sup> and Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25th October 2012<sup>(4)</sup>.

3. The repealed Directive was implemented in Northern Ireland by the Placing on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 1993<sup>(5)</sup> (the 1993 Regulations). These Regulations repeal and replace the 1993 Regulations.

4. Part 2 establishes a system for the supervision of transfers of civil explosives. Before any civil explosives are moved, apart from movement on the same site, the consignee must obtain a recipient competent authority document from the competent authority for the place within the EEA States where the transfer will terminate.

5. Part 3 makes provision in relation to “economic operators”, 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.

6. 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 1, having a relevant conformity assessment procedure carried out before the civil explosive is placed on the market and affixing the CE marking.

7. 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 explosives the address, name, registered trade name or trade mark of the importer.

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

9. Sub-Part C of Part 3 sets out provisions concerning the bodies which can carry out conformity assessment procedures.

10. Part 4 and Schedule 2 make provisions as to enforcement and market surveillance and related matters

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(1) O.J. L121, 15.5.1993, p.20.  
(2) O.J. L284, 31.10.2003, p. 1.  
(3) O.J. L87, 31.3.2009, p. 109.  
(4) O.J. L316, 14.11.2012, p. 12.  
(5) [S.R. 1993/488](#).

**Status:** *This is the original version (as it was originally made).*

**11.** Part 5 provides for the power to grant exemptions and miscellaneous provisions..

**12.** Schedules 3 and 4 set out, respectively, notified body requirements and operational obligations of notified bodies.