

STATUTORY INSTRUMENTS

2014 No. 1638

The Explosives Regulations 2014

[^{F1}PART 13

SUB-PART A: MAKING AVAILABLE ON THE MARKET –
OBLIGATIONS OF ECONOMIC OPERATORS, SUB-PART
B: CONFORMITY ASSESSMENT BODIES, SUB-PART C:
NOTIFICATION OF CONFORMITY ASSESSMENT BODIES

[^{F1}ALL ECONOMIC OPERATORS

Textual Amendments

- F1** Pt. 13 (regs. 39-77) substituted for Pt. 13 (regs. 39-42) (and therefore original regs. 43, 44 renumbered as new regs. 78, 79, new reg. 80 substituted for original reg. 45 and original regs. 46-49 renumbered as new regs. 81-84) (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), regs. 1, 7, 8, 9 (with regs. 2(1), 15)

Translation of declaration of conformity

^{F2}62.

Textual Amendments

- F2** [Reg. 62](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 21** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Identification of economic operators

63.—(1) This regulation applies in relation to civil explosives excluded from the scope of regulations 33, 34 and 36 by virtue of regulation 3(15).

(2) An economic operator (“E”) who receives a request from the market surveillance authority before the end of the relevant period, must, within such period as the authority may specify, identify to the market surveillance authority—

- (a) any economic operator who has supplied E with a civil explosive to which this regulation applies; and
- (b) any economic operator to whom E has supplied a civil explosive to which this regulation applies.

(3) The relevant period is—

- (a) for information under paragraph (2)(a), a period of 10 years beginning on the day on which E was supplied with the civil explosive;
- (b) for information under paragraph (2)(b), a period of 10 years beginning on the day on which E supplied the civil explosive.

Prohibition on improper use of [F3UK] marking

64.—(1) An economic operator must not affix the [F4UK] marking to a civil explosive unless—

- (a) that economic operator is the manufacturer; and
- (b) the conformity of the civil explosive with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure.

(2) An economic operator must not affix to a civil explosive a marking (other than the [F4UK] marking) which purports to attest that the civil explosive is in conformity with the essential safety requirements.

(3) An economic operator must not affix to a civil explosive a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the [F4UK] marking.

(4) An economic operator must not affix to a civil explosive any other marking if the visibility, legibility and meaning of the [F4UK] marking would be impaired as a result.]

Textual Amendments

- F3** Word in [reg. 64 heading](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 16 para. 22](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F4** Word in [reg. 64](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 16 para. 22](#) (with [Sch. 16 para. 29](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

[F5]Obligations which are met by complying with obligations in the Directive

64A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “CE marking” has the meaning given to it in [Article 2\(24\)](#);
- (c) “harmonised standard” has the meaning given to it in [Article 2\(16\)](#).

(2) Subject to paragraphs (6) and (7), paragraph (3) applies where, before placing a civil explosive on the market, the manufacturer—

- (a) ensures that the civil explosive has been designed and manufactured in accordance with the essential safety requirements set out in [Annex II](#);
- (b) ensures that the relevant conformity assessment procedures that apply to that civil explosive in accordance with [Article 20](#) have been carried out;
- (c) draws up the technical documentation referred to in [Annex III](#);
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (e) affixes a CE marking, in accordance with [Articles 22 and 23\(1\) to \(5\)](#);
- (f) draws up an EU declaration of conformity, in accordance with [Article 21](#); and

- (g) ensures that the EU declaration of conformity is prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 39, 40, 41(1) and 41(3) are to be treated as being satisfied;
 - (b) regulations 41(2), 42, 43(2), 46(2) and 64 apply subject to the modifications in paragraph (10); and
 - (c) Schedule 12 paragraph 12 does not apply.
- (4) Subject to paragraphs (6) and (7), paragraph (5) applies where, before placing a civil explosive on the market, the importer ensures that—
- (a) the relevant conformity assessment procedures that apply to that explosive in accordance with Article 20 have been carried out;
 - (b) the manufacturer has drawn up the technical documentation referred to in Annex III; and
 - (c) the civil explosive bears the CE marking referred to in Article 23.
- (5) Where this paragraph applies—
- (a) the requirements of regulation 48(1)(a) to (c) are to be treated as being satisfied; and
 - (b) regulations 47, 49(1), 52 and 60 apply subject to the modifications in paragraph (10).
- (6) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 19.
- (7) Where paragraph (6) applies paragraphs (2)(b) and (4)(a) are to be treated as requiring the manufacturer to carry out one of the conformity assessment procedures set out in Article 20.
- (8) Paragraph (9) applies where, before making a civil explosive available on the market, a distributor ensures that the civil explosive bears the CE marking referred to in Article 23.
- (9) Where this paragraph applies—
- (a) regulation 56(1)(a)(i) is to be treated as being satisfied; and
 - (b) regulations 57(1) and 60 apply subject to the modifications in paragraph (10).
- (10) The modifications referred to in sub-paragraphs (3)(b), (5)(b) and (9)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
 - (c) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements referred to in Annex II;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
 - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedures referred to in Article 20;
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex III.

Textual Amendments

- F5** Regs. 64A-64D inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 16 para. 23** (with Sch. 16 para. 29) (as amended by [S.I. 2020/676](#), regs. 1(1), 2, [The Product Safety and Metrology etc. \(Amendment etc.\)](#))

(UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 10(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

Conformity assessment procedure obligation which is met by complying with the Directive

64B.—(1) In this regulation any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive.

(2) Paragraph (3) applies where, prior to the manufacture of a civil explosive, the manufacturer ensures that the conformity assessment procedure that applies to that explosive in accordance with Article 20(a) has been carried out.

(3) Where this paragraph applies—

- (a) any reference to “relevant conformity assessment procedure” in regulations 40(a), 41(1), 48(1)(a), 64(1)(b), 67(b) and 68(3) are to be read as including the conformity assessment procedure referred to in Article 20(a) of the Directive; and
- (b) any reference to “technical documentation” in regulations 40(b), 42, 48(1)(b), 52(b), and in paragraph 12(1)(d) of Part 1 of Schedule 12 and Schedule 17 is to be read as including the technical documentation relating to the design of the civil explosive referred to in Annex III.

Textual Amendments

F5 Regs. 64A-64D inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 23** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2, The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 10(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

Expiry of regulations 64A and 64B

64C.—(1) Subject to paragraph (2), regulation 64A ceases to have effect at the end of the period of [^{F6}four years] beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 64A—

- (a) any civil explosive which was placed on the market pursuant to regulation 64A may continue to be made available on the market on or after the expiry of regulation 64A;
- (b) any obligation to which a person was subject under regulation 64A in respect of a civil explosive placed on the market pursuant to regulation 64A continues to have effect after the expiry of regulation 64A, in respect of that civil explosive.

(3) Subject to paragraph (4), regulation 64B ceases to have effect at the end of the period of [^{F7}four years] beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 64B in relation to a civil explosive prior to the expiry of regulation 64B, regulation 64B continues to apply in respect of that civil explosive where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in point 1 of Annex III of the Directive.

Textual Amendments

- F5** Regs. 64A-64D inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 23** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2, The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 10(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 64C(1) substituted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 2, **Sch. 1 para. (h)**
- F7** Words in reg. 64C(3) substituted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 2, **Sch. 1 para. (h)**

Qualifying Northern Ireland Goods

64D.—(1) In this regulation—

“the 2016 Regulations” means the Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016;

“CE marking” has the meaning given to it in regulation 2(1) of the 2016 Regulations;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“relevant conformity assessment procedure” has the meaning given to it in regulation 2(1) of the 2016 Regulations;

“technical documentation” has the meaning given to it in regulation 2(1) of the 2016 Regulations.

(2) Where paragraph (3) applies, a civil explosive is to be treated as being in conformity with Part 13 Sub-Part A.

(3) This paragraph applies where—

(a) a civil explosive—

(i) is in conformity with Part 3 Sub-Part A of the 2016 Regulations;

(ii) is qualifying Northern Ireland goods; and

(b) an importer has met the obligations set out in paragraph (4).

(4) The obligations referred to in paragraph (3)(b) are that, before placing the civil explosive on the market, the importer—

(a) complies with regulation 50;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the civil explosive;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the civil explosive bears the CE marking.]

Changes to legislation: There are currently no known outstanding effects for the The Explosives Regulations 2014, Cross Heading: ALL ECONOMIC OPERATORS. (See end of Document for details)

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Textual Amendments

- F5** Regs. 64A-64D inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 16 para. 23** (with Sch. 16 para. 29) (as amended by S.I. 2020/676, regs. 1(1), 2, The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 10(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

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