

Manufacturer

Before placing civil explosives on the EU market, for their first time, or when using them for their own purposes, manufacturers must:

- Ensure they have been designed and manufactured in line with the Essential Safety Requirements
- Draw up technical documentation and have a relevant conformity assessment procedure carried out.
- Draw up the declaration of conformity and affix the CE mark
- Keep the technical documentation and each declaration of conformity (where there have been changes to the product) for 10 years after the explosive has been placed on the market.
- Ensure that procedures are in place to ensure that any civil explosives manufactured by series production will be in conformity
- Ensure that explosives bear a unique identification – *explosives excluded from Identification and Traceability in ER 2014 must bear a batch mark or other element allowing identification, or where this is possible, on the accompanying paperwork.*
- •Ensure that their name, registered trade name, or trade mark and postal address at which they can be contacted, is indicated on the civil explosive. Where that is not possible, it must be on the packaging or in an accompanying document, in a language which is easily understood by consumers and end-users.. Ensure that products are accompanied by the required documents e.g. instructions and safety information, in a language which is easily understood by end-users of the country where it is to be made available. In GB, this information must be in English.
- Take corrective measures where they believe a civil explosive they have placed on the market is not in conformity, bring the civil explosive into conformity or withdraw or recall the product. Where the product presents a risk, they must immediately inform the market surveillance authority and the competent national authorities of any other member State in which they have made the civil explosive available, of the risk and the corrective measures taken.
- Provide competent national authorities where they receive a reasoned request, with any information necessary to demonstrate conformity in a language that can be understood by that authority. I. They must also cooperate with that authority to take action to eliminate any risks.
- Where civil explosives are excluded from Identification and Traceability requirements in ER 2014, manufacturers must keep records for 10 years on who has supplied them and who they have supplied

'Use for their own purposes' relates to commercial 'own use'. It does not, as is the case now, include 'Research and development, educational experiments, disposal, exaction for disposal, incorporation into a formulation or article.

Authorised Representative (appointed on behalf of a manufacturer)

Authorised representatives can be appointed by a manufacturer, by a written mandate, to at least:

- Keep the EU declaration of conformity and the technical documentation at the disposal of the market surveillance authority (MSA) for a period of 10 years starting from the day on which the civil explosive is placed on the market
- Provide information and documentation necessary to demonstrate that the civil explosive is in conformity
- Co-operate with the competent authority on any action taken to eliminate the risks posed by civil explosives covered by their mandate

Authorised representatives **must not** take on the manufacturer's responsibility to ensure a civil explosive meets the Essential safety Requirements and to draw up technical documentation.

A manufacturer, who has appointed an authorised representative to perform on their behalf, remains responsible for the performance of the authorised representative, in carrying out their duties.

If the authorised representative fails to comply with all their duties, they may be proceeded against as though they were the manufacturer.

Importer

Importers are considered to be manufacturers if they place a civil explosive on market under their own name or trademark or if they modify a civil explosive already placed on market.

Importers must ensure that:

- They only place compliant civil explosives on the market
- Before placing a civil explosive on the market importers must ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer and that the manufacturer has drawn up the technical documentation and that the civil explosive bears the CE marking
- The civil explosive is accompanied by instructions and safety information, in a language that is easily understood by end-users. In GB the information must be English
- They provide competent national authorities, where they receive a reasoned request, with any information necessary to demonstrate

- conformity in a language that can be understood by that authority. In the UK, this information must be in English. They must also cooperate with that national authority to take action to eliminate any risks.
- Their name, registered trade name, or trade mark and postal address at which they can be contacted, is indicated on the civil explosive. Where that is not possible, it must be on the packaging or in an accompanying document, in a language which is easily understood by consumers and end-users. They keep the technical documentation and each declaration of conformity (where there have been changes to the product) for 10 years after the civil explosive has been placed on the market and ensure the technical documentation can be made available to the Market Surveillance Authority upon request
 - While a civil explosive is their responsibility they must ensure its storage or transport doesn't jeopardise compliance with the Essential Safety Requirements.
 - They keep records for 10 years on who has supplied them with a civil explosive and who they have supplied.
 - Where they consider, or have reason to believe, that a civil explosive is not in conformity with the essential safety requirements, they must not place the civil explosive on the market until it has been brought into conformity. Where the civil explosive presents a risk, they must immediately inform the manufacturer and the market surveillance authority..
 - They take corrective measures where they believe a civil explosive they have placed, or made available on the market is not in conformity. If appropriate they must withdraw or recall the product. Where the product presents a risk, they must immediately inform the market surveillance authority and the competent national authorities of any other Member States where they have made the civil explosive available, of the risk and the corrective measures taken.

Distributor

Distributors are considered to be 'manufacturers' if they place a civil explosive on the market under their own name or trademark or, if they modify a civil explosive already placed on market.

Distributors must:

- Act with 'due care' in relation to the Directive's requirements when making a civil explosive available on the market
- Ensure the civil explosive is CE marked, that it is accompanied by the required documents and by instructions and safety information, in a language which is easily understood by end-users of the country where it is to be made available. In GB, this information must be in English.
- Ensure that, while a civil explosive is their responsibility, its storage or transport conditions do not jeopardise compliance with the essential safety requirements.

- Not make any civil explosive available on the market where the distributor considers or has reason to believe, that a civil explosive is not in conformity with the essential safety requirements, until it has been brought into conformity. Furthermore where a civil explosive presents a risk, the distributor must immediately inform the manufacturer or the importer to that effect, as well as the competent national authorities of all Member States where they have made the civil explosive available. Take corrective measures where they believe a civil explosive they have made available on the market is not in conformity, or withdraw or recall it. Furthermore where the civil explosive presents a risk, they must immediately inform the market surveillance authority and the competent national authorities of any other member states in which they have made the civil explosive available on the market giving details of the non-compliance and any corrective measures taken.
- Keep records for 10 years on who has supplied them and who they have supplied.