

Explosives for civil uses: making available on the market and supervision. Recast. 'Goods package'

2011/0349(COD) - 29/11/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Zuzana ROITHOVÁ (EPP, CZ) on the proposal for a directive 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 committee recommends that the European Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Definitions: 'explosives' shall mean the materials and articles considered to be explosives in the United Nations recommendations on the transport of dangerous goods and falling within Class 1 of those recommendations. The term '**ammunition**' has been included. It shall mean projectiles and propelling charges, including blank ammunition, used in portable firearms, other guns and artillery.

Consumer protection: Members consider that all obligations imposed on economic operators by this Directive should also apply in the case of **distance selling**. Manufacturers shall ensure that their explosives are accompanied by instructions and safety information. Such instructions and safety information as well as any labelling shall be **clear, understandable and intelligible**.

As regards the identification and keeping track of explosives, economic operators shall not be required to update the information referred to in the Directive after supply is finalised.

Products in stock: Members consider it necessary to provide for **transitional arrangements** that allow economic operators a reasonable period of time to make available on the market explosives for civil use that have already been placed on the market in accordance with Directive 93/15/EEC. Economic operators should be able to sell stocks of explosives for civil use that are already in the distribution chain on the date of application of national measures transposing this Directive. Member States shall ensure that the obligations of economic operators concerning the products in stock are applied.

Declaration of conformity (DoC): upon the request of the market surveillance authorities, the economic operator shall provide a **copy of the EU declaration of conformity in paper form or by electronic means**.

It is also proposed to add an **exception to the rule on 'one single DoC'** for cases where the providing a single document creates specific problems due to its complexity or extent.

When issuing a single EU declaration of conformity could cause specific problems due to the complexity or scope of that single EU declaration, it should be possible to replace that single EU declaration by individual EU declarations of conformity relevant for the particular explosive.

Notified bodies: Member States shall designate a **single notifying authority** that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies.

Market surveillance: Member States shall also take all appropriate measures to ensure that explosives are placed on the market only if they are properly stored and used for their intended purpose.

Members suggest that Member States shall, on an annual basis, **provide the Commission with details of the activities of their market surveillance authorities** and of any plans for and increase of market surveillance, including the allocation of more resources, the increase of efficiency and the building of the necessary capacity for achieving those goals.

Member States shall provide **adequate funding** to their market surveillance authorities.

Member States shall ensure that appropriate restrictive measures are taken in respect of the explosive concerned, such as **withdrawal of the explosive from their market**, without delay.

Penalties: Members propose that the 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 the marking**. Rules on penalties applicable to infringements by economic operators of the national provisions may include criminal **penalties for serious infringements**. The penalties shall be **proportionate to the seriousness of the offence**.

Non-retroactive nature of EU legislation: Members propose that explosives which were lawfully placed on the market before the transposition date may be made available on the market by distributors without further product requirements.

Transposition: Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. The Commission shall make those texts publicly available by publishing them on the internet.