



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,

Draft

**COMMISSION DIRECTIVE ..../.../EC**

**of [...]**

**setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses**

Draft

**COMMISSION DIRECTIVE ../.../EC**

**of [...]**

**setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses<sup>1</sup>, and in particular the second sentence of the second paragraph of Article 14 thereof,

Whereas:

- (1) Directive 93/15/EEC lays down rules for ensuring the safe and secure circulation of explosives on the community market.
- (2) As provided for in that Directive, it is necessary to ensure that undertakings in the explosives sector possess a system for keeping track of explosives in order to be able to identify those holding the explosives at any time.
- (3) Unique identification of explosives is essential if accurate and complete records of explosives are to be kept at all stages of the supply chain. This should allow the identification and the traceability of an explosive from its production site and its first placing on the market until its final user and its use with a view to preventing misuse and theft and to assisting law enforcement authorities in the tracing of the origin of lost or stolen explosives.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Management Committee established pursuant to Article 13(1) of Directive 1993/15/EEC,

---

<sup>1</sup> OJ L 121,15.5.1993, p. 20. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

HAS ADOPTED THIS DIRECTIVE:

## **Chapter 1**

### **General provisions**

#### *Article 1*

##### *Subject matter*

This Directive sets up a harmonised system for the unique identification and traceability of explosives for civil uses.

#### *Article 2*

##### *Scope*

This Directive shall not apply to the following:

- (a) explosives transported and delivered unpackaged or in pump trucks for their direct unloading into the blast-hole including such explosives made of ammonium nitrate and a mineral oil;
- (b) explosives manufactured at the blasting sites, and that are loaded immediately after being produced (“in situ” production);
- (c) ammunitions.

## **Chapter 2**

### **Product identification**

#### *Article 3*

##### *Unique identification*

1. Member States shall ensure that undertakings in the explosives sector which manufacture or import explosives or assemble detonators shall introduce a unique identification on explosives and each smallest packaging unit.
2. The unique identification shall comprise the components described in the Annex.
3. Each manufacturing site shall be attributed a 3 digit code by the national authority of the Member States where it is established.

4. In case of the manufacturer or manufacturing site being located outside the Community, the manufacturer shall contact a national authority of the Member State of import to be attributed a code.

5. Member States shall ensure that distributors which repackage explosives make sure that the unique identification is affixed to the explosive and the smallest packaging unit.

#### *Article 4*

##### *Affixation*

1. The unique identification shall be marked in a clearly legible and durable way.
2. The unique identification shall be firmly affixed to the article as provided for in Articles 5 to 11.

#### *Article 5*

##### *Cartridge explosives and explosives in sacks*

For cartridge explosives and explosives in sacks, the unique identification shall consist of an adhesive label or direct printing on each cartridge or sack. An associated label shall be placed on each case of cartridges.

In addition, undertakings may use a passive inert electronic tag attached to each cartridge or sack and similarly, an associated electronic tag for each case of cartridges.

#### *Article 6*

##### *Bi-component explosives*

For bi-component explosives, the unique identification shall consist of an adhesive label or direct printing on each packaging unit.

#### *Article 7*

##### *Plain detonators and fuses*

For plain detonators or fuses, the unique identification shall consist of an adhesive label or direct printing or stamping on the detonator shell. An associated label shall be placed on each case of detonators or fuses.

In addition, undertakings may use a passive inert electronic tag attached to each detonator or fuse, and an associated tag for each case of detonators or fuses.

## *Article 8*

### *Electric, non-electric and electronic detonators*

For electric, non-electric and electronic detonators, the unique identification shall consist either of an adhesive label on the wires or tube, or an adhesive label or direct printing or stamping on the detonator shell. An associated label shall be placed on each case of detonators.

In addition, undertakings may use a passive inert electronic tag attached to each detonator, and an associated tag for each case of detonators.

## *Article 9*

### *Primers and boosters*

For primers and boosters, the unique identification shall consist of an adhesive label or direct printing on the primer or booster. An associated label shall be placed on each case of primers or boosters.

In addition, undertakings may use a passive inert electronic tag attached to each primer or booster, and an associated tag for each case of primers or boosters.

## *Article 10*

### *Detonating cords and safety fuses*

For detonating cords and safety fuses, the unique identification shall consist of an adhesive label or direct printing on the bobbin. The production date and a correlative sequential number will be marked every 5 meters on either the external envelope of the cord or fuse or the plastic extruded inner layer immediately under the exterior fibre of the cord or fuse. An associated label shall be placed on each case of detonating cord.

In addition, undertakings may use a passive inert electronic tag inserted within the cord, and an associated tag for each case of cord or fuse.

## *Article 11*

### *Cans and drums containing explosives*

For cans and drums containing explosives, the unique identification shall consist of an adhesive label or direct printing on the can or drum containing the explosives.

In addition, undertakings may use a passive inert electronic tag attached to each can and drum.

## *Article 12*

### *Copies of the original label*

Undertakings may attach adhesive detachable copies of the original label to the explosives for use by their clients. Those copies shall be visibly marked as copies of the original to prevent misuse.

## **Chapter 3**

### **Data collection and record-keeping**

## *Article 13*

### *Data collection*

1. Member States shall ensure that undertakings in the explosives sector put in place a system for collecting data in relation to explosives including their unique identification throughout the supply chain and life cycle.
2. The data collection system shall allow the undertakings to keep track of the explosives in such a way that those holding the explosives can be identified at any time.
3. Member States shall ensure that the data collected including the unique identifications is kept and maintained for a period of 10 years after the delivery or whenever known after the end of the life cycle of the explosive even if undertakings have ceased trading.

## *Article 14*

### *Obligations of undertakings*

Member States shall ensure that the undertakings in the explosives sector fulfil the following:

- (a) keeping a record of all identifications of explosives, together with all pertinent information including the type of explosive, the company or person to the custody of whom it was given;
- (b) recording the location of each explosive while the explosive is in their possession or custody until it is either transferred to another undertaking or used;
- (c) at regular interval testing their data collection system in order to ensure its effectiveness and the quality of the data recorded;
- (d) keeping and maintaining the data collected including the unique identifications for the period specified in Article 13.3;

- (e) protecting the data collected against accidental or malicious damage or destruction;
- (f) providing the competent authorities, upon their request, with the information concerning the origin and location of each explosive during its life cycle and throughout the supply chain;
- (g) providing the responsible Member State authorities with the name and contact details of a person able to provide the information described in point (f) outside normal business hours.

## **Chapter 4**

### **Final provisions**

#### *Article 15*

##### *Transposition*

1. Member States shall adopt and publish, by [ ]<sup>2</sup> at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from [ ]<sup>3</sup>.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. 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.

#### *Article 16*

##### *Entry into force*

This Directive shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

---

<sup>2</sup> 12 months after the date of publication

<sup>3</sup> 24 months after the date of publication

*Article 17*

This Directive is addressed to the Member States.

Done at Brussels, [...]

*For the Commission*

*Member of the Commission*

**ANNEX**

The unique identification shall comprise:

1. a human readable part of the identification containing the following:
  - (a) the name of the manufacturer;
  - (b) an alphanumerical code containing:
    - (i) 2 letters identifying the Member State (place of production or import onto the Community market, e.g. AT = Austria);
    - (ii) 3 digits identifying the name of the manufacturing site (attributed by the national authorities);
    - (iii) the unique product code and logistical information designed by the manufacturer;
2. an electronic readable identification in barcode and/or matrix code format that relates directly to the alphanumerical identification code.

Example:



3. For articles too small to affix the unique product code and logistical information designed by the manufacturer, the information under 1 (b) (i), 1 (b) (ii) and 2 shall be considered sufficient.