

**A.L. 279 ta' 1-2004**

**ORDINANZA DWAR L-ESPLOŽIVI  
(KAP. 33)**

**Regolamenti ta' 1-2004 dwar Esplożivi Ċivili**

BIS-SAHHA tas-setghat moghtija bl-artikolu 22 ta' l-Ordinanza dwar l-Esplożivi, il-Ministru tal-Ġustizzja u l-Intern ghamel ir-regolamenti li ġejjin:-

**1.** (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' 1-2004 dwar Esplożivi Ċivili. Isem u Bidu fis-sehh.

(2) Dawn ir-regolamenti ghandhom jidhlu fis-sehh fl-1 ta' Ġunju, 2004.

**2.** (1) Dawn ir-regolamenti ghandhom japplikaw ghal esplożivi kif imfissra f'regolament 3 ta' dawn ir-regolamenti. Skop.

(2) Dawn li ġejjin huma esklużi mill-iskop ta' dawn ir-regolamenti:

(a) esplożivi, inkluż munizzjon, maħsubin biex jintużaw, skond il-liġijiet ta' Malta, mill-forzi armati jew mill-pulizija;

(b) oġġetti tal-piroteknika;

(ċ) munizzjon, minbarra kif provdut f'regolament 10 ta' dawn ir-regolamenti.

**3.** Għall-finijiet ta' dawn ir-regolamenti, ghandhom japplikaw it-tifsiriet li ġejjin: Tifsiriet.

“*approvazzjoni*” tfisser id-deċiżjoni mehuda biex jinghata permess ghal trasferimenti maħsubin minn qabel ta' esplożivi;

“*esplożivi*” ghandha tfisser il-materjal u oġġetti meqjusin hekk fir-rakkomandazzjonijiet tan-Nazzjonijiet Uniti fuq it-trasport ta'

oġġetti perikolużi u li jaqgħu taht Klassi 1 ta' daww ir-rakkomandazzjonijiet;

“intrapriża fis-settur ta' l-esplożivi” tfisser kull persuna naturali jew legali li jkollha liċenza biex taħdem fil-manifattura, hżin, użu, trasferiment jew negozju ta' esplożivi;

“l-Ordinanza” tfisser l-Ordinanza dwar l-Esplożivi;

“negozjant” tfisser kull persuna naturali jew legali li x-xogħol tagħha jikkonsisti għalkollox jew parzjalment fil-manifattura, negozju, skambju, kiri, tiswija jew konverżjoni ta' armi tan-nar u munizzjoni;

“rakkomandazzjonijiet tan-Nazzjonijiet Uniti” tfisser ir-rakkomandazzjonijiet preskritti mir-Rapport ta' l-Esperti tan-Nazzjonijiet Uniti fuq it-trasport ta' Oġġetti Perikolużi, kif pubblikati fil-UN (*Orange Book*) u kif emendat sad-data meta dawn ir-regolamenti jkunu adottati;

“sigurezza” tfisser il-prevenzjoni ta' użu li jmur kontra l-liġi u l-ordni;

“sigurtà” tfisser il-prevenzjoni ta' incidenti u, meta l-prevenzjoni ma taħdimx, it-trażżin ta' l-effetti tagħhom;

“tqeghid fis-suq” tfisser kull l-ewwel tqeghid fis-suq bi hlas jew b'xejn ta' esplożivi koperti b'dawn ir-regolamenti bil-ghan li jiġu mqassma u, jew, użati;

“trasferiment” tfisser kull ċaqliq fiżiku ta' esplożivi apparti minn ċaqliq li jsir f'post wiehed u uniku.

Preżunzjonijiet ta' konformità

**4.** (1) Esplożivi li jaqgħu fl-iskop ta' dawn ir-regolamenti għandhom ikunu jikkonformaw mal-htigiet ta' sigurtà essenzjali mnizzlin fi Skeda I u li jkunu japplikaw għalihom.

(2) Esplożivi li jaqgħu taht l-iskop ta' dawn ir-regolamenti u li jikkonformaw ma' *standards* nazzjonali rilevanti li jittrasponu *standards* armonizzati li r-referenzi tagħhom kienu ppubblikati fil-Ġurnal Uffiċjali tal-Komunitajiet Ewropej għandhom jitqiesu bhala li jikkonformaw mal-htigiet ta' sigurtà essenzjali msemmija fis-sub-regolament (1) ta' dan ir-regolament. Referenzi għal *standards* nazzjonali li jittrasponu *standards* armonizzati għandhom ikunu ppubblikati fil-Gazzetta.

**5.** (1) Informazzjoni aġġornata dwar intrapriži fis-settur ta' l-esplożivi li jkollhom liċenzi jew awtorizzazzjonijiet ghandha tinzamm mill-Kummissarju tal-Pulizija.

(2) L-intrapriži li hemm referenza ghalihom fis-sub-regolament (1) ta' dan ir-regolament ghandu jkollhom sistema kif ikunu jafu fejn ikunu qeghdin l-esplożivi b'mod li daww li jkollhom ghandhom l-esplożivi jistgħu jkunu identifikati f'kull hin. Intrapriži fis-settur ta' l-esplożivi ghandhom iżommu dokumentazzjoni ta' dik ix-xorta tat-transazzjonijiet tagħhom skond kif ikun mehtieġ biex jitwettqu l-obbligi ta' dan ir-regolament.

(3) Id-dokumenti msemmija f'regolament 5.2 ghandhom jinżammu għal mill-inqas tliet snin wara tmiem is-sena kalendarja li fiha tkun saret it-transazzjoni mnizzla, anki jekk l-intrapriża ma tkunx ghadha tinnegozja. Dawn ghandhom ikunu jistgħu jiġu spezzjonati minnufih wara talba mill-Kummissarju tal-Pulizija jew mill-kumitat imsemmi f'artiklu 23 ta' l-Ordinanza.

(4) L-esplożivi kollha ghandhom ikunu mmarkati kif imiss.

(5) Meta johroġ liċenza jew awtorizzazzjoni bl-iskop li jippermetti li ssir attività ta' manifattura ta' esplożivi, il-Kummissarju tal-Pulizija ghandu jikkontrolla b'mod partikulari li l-persuni responsabbli jkunu kapaċi jikkonformaw ma' l-impenji tekniċi li jassumu.

**6.** (a) (b) Il-proċeduri għaċ-ċertifikazzjoni tal-konformità ta' l-esplożivi ghandha tkun jew:

Proċeduri ta' valutazzjoni ta' konformità.

Eżami tip EC (Modulu B) kif imsemmi fi Skeda II (1), u, skond l-ghazla tal-manifattur, jew:

(i) il-konformità tat-tip (Modulu ) kif imsemmi fi Skeda II (2), jew

(ii) il-proċedura ta' assikurazzjoni tal-kwalità tal-produzzjoni (Modulu D) kif imsemmija fi Skeda II (3), jew

(iii) il-proċedura ta' assikurazzjoni tal-kwalità tal-produzzjoni (Modulu E) kif imsemmija fi Skeda II (4), jew

(iv) jew il-verifika tal-prodott (Modulu F) kif imsemmija fi Skeda II (5); jew il-verifika unitarja (Modulu ) kif imsemmija fi Skeda II (6).

7. (1) Esplożivi li jaqghu fl-iskop ta' dawn ir-regolamenti jistgħu jitqieghdu fis-suq biss jekk jikkonformaw mal-provvedimenti kollha tar-regolamenti, ikollhom il-marka CE u l-konformità tagħhom tkun tqieset skond il-proċeduri li hemm referenza għalihom fi Skeda II.

(2) Meta esplożivi li jaqghu fl-iskop ta' dawn ir-regolamenti jkun soġġetti għal xi regolamenti oħra li jkopru aspetti oħra u li jippreskrivu t-twahhil tal-marka CE, din il-marka għandha turi li l-prodotti msemmija hawn qabel huma wkoll preżunti li jikkonformaw mal-provvedimenti ta' kull regolament li japplika għalihom.

(3) Il-marka ta' konformità CE għandha titwahhal b'mod li tkun tidher, tinqara tajjeb u ma tithassarx fuq l-esplożivi nfishom jew, jekk dan ma jkunx jista' jsir, fuq plakka ta' identifikazzjoni mwahhla magħhom jew, fl-aħhar każ, jekk l-ewwel żewġ metodi ma jkunux jistgħu jintużaw, fuq l-ippakkjar. Il-plakka ta' identifikazzjoni għandha tkun hekk disinjata b'mod li ma tkunx tista' terġa' tintuża mill-ġdid. Il-mudell li għandu jintuża għall-marka CE għandu jkun dak riprodott fi Skeda IV.

(4) Huwa projbit li fuq esplożivi jitwahhlu marki jew kitbiet li jistgħu jqarrqu lil terzi persuni dwar it-tifsira u l-istil ta' kif tinkiteb il-marka CE. Kull marka oħra tista' titwahhal fuq esplożivi sakemm il-marka CE tibqa' tidher u tinqara sew.

(5) Mingħajr preġudizzju għall-provvedimenti tas-sub-regolament 8(2) ta' dawn ir-regolamenti, meta jkun stabbilit li l-marka CE tkun twahhlet meta mhux suppost, il-manifattur, l-aġent tiegħu jew, fin-nuqqas ta' dawn il-persuni, il-persuna responsabbli għat-tqeghid fis-suq tal-prodott in kwistjoni għandhom ikunu obbligati jreġġgħu lura l-prodott biex dan jiġi jikkonforma fir-rigward tal-provvedimenti fuq l-immakar u hekk jitwaqqaf il-ksur tar-regolamenti, mingħajr preġudizzju għal kull miżura oħra li tista' tittiehed mill-Kummissarju tal-Pulizija skond l-Ordinanza.

(6) Meta n-nuqqas ta' konformità mad-disposizzjonijiet jibqa' sejjer, il-Kummissarju tal-Pulizija għandu jiehu l-miżuri kollha adatti biex jirrestringi jew jipprojbixxi t-tqeghid fis-suq tal-prodott in kwistjoni jew biex jiżgura li dan jitneħha mis-suq skond il-proċeduri mnizzlin f'regolament 8.

8. (1) (2) Meta jiġi stabbilit li esploziv li jgħib il-marka ta' konformità CE u li jkun qed jintuża għall-iskop mahsub għalih jista' jkun ta' periklu għas-sigurtà, il-Kummissarju tal-Pulizija għandu jiehu l-miżuri temporanji kollha meħtieġa biex jirtira l-esploziv mis-suq jew jipprojbixxi li dan jitqieghed fis-suq jew li jithalla jiċċaqlaq minn fejn

ikun. Kull miżura mehuda bis-sahha tas-sub-regolament (1) ghandha tiġi komunikata kemm lid-Direttorat ta' Ogġetti tal-Konsumatur u Industrijali u kemm lid-Direttorat ta' Ogġetti ta' l-Ikel, Kimiċi u Kosmetiċi ta' l-Awtorità Maltija ghal *Standards*.

9. (1) Esplożivi koperti minn dawn ir-regolamenti jistgħu jkunu trasferiti bejn Malta u Stati Membri tal-Komunità Ewropea skond il-provvedimenti li ġejjin biss :-

Provvedimenti li jirregolaw is-superviżjoni ta' trasferimenti ta' esplożivi ,

(a) Fil-każ ta' trasferimenti ta' esplożivi minn Stat Membru tal-Komunità Ewropea ghal Malta, ir-riċevitur ghandu jġib approvazzjoni għat-trasferiment ta' esplożivi ta' dik ix-xorta minghand il-Kummissarju tal-Pulizija. Il-Kummissarju tal-Pulizija ghandu jivverifika li r-riċevitur hu awtorizzat legalment biex jakkwista esplożivi u li għandu l-liċenzi jew awtorizzazzjonijiet meħtieġa.

(b) (ċ) Meta l-Kummissarju tal-Pulizija japprova trasferiment minn Stat Membru tal-Komunità Ewropea ghal Malta, hu għandu joħroġ lir-riċevitur dokument li jkollu fih l-informazzjoni kollha li hemm referenza għaliha fil-paragrafu (d) ta' dan is-sub-regolament. Dan id-dokument għandu jibqa' ma' l-esplożivi sakemm dawn jaslu fid-destinazzjoni ddikjarata tagħhom. Dan għandu jkun ippreżentat kull meta titolbu xi awtorità kompetenti rilevanti. Kopja ta' dan id-dokument għandha tinzamm mir-riċevitur li għandu jippreżentaha għall-eżami tal-Kummissarju tal-Pulizija, meta dan jitlobhielu. Mingħajr preġudizzju għall-provvedimenti ta' paragrafu (d) ta' dan is-subregolament, il-paragrafi (a) u (b) ta' dan is-subregolament għandhom japplikaw ukoll għal trasferimenti ta' esplożivi ġewwa Malta.

(d) Meta l-Kummissarju tal-Pulizija jqis li miżuri ta' sigurtà speċjali bħal dawk imsemmija f'paragrafu (b) ta' dan is-subregolament ma humiex meħtieġa, esplożivi jistgħu jkunu trasferiti ġewwa Malta fit-territorju fejn ikunu jew f'parti minnu bla ma tinghata informazzjoni minn qabel fis-sens tal-paragrafu (e) ta' dan is-subregolament. Il-Kummissarju tal-Pulizija għandu mbagħad jagħti approvazzjoni għal perjodu fiss u bil-kondizzjoni li tista' tkun sospiża jew irtirata f'kull hin jekk ikun hemm ġustifikazzjoni raġonevoli. Id-dokument imsemmi fil-paragrafu (b) ta' dan is-subregolament u li għandu jakkumpanja l-esplożivi sakemm dawn jaslu fid-destinazzjoni tagħhom, għandu jkun unikament jirreferi għall-approvazzjoni msemmija hawn qabel.

(e)(i)(ii)(iii)(iv)(v)(vi)(vii) Meta trasferimenti ta' l-esplożivi jkollhom superviżjoni speċjali biex jikkonformaw ma' miżuri ta'

sigurtà speċjali, l-informazzjoni li ġejja ghandha tinghadda qabel it-trasferiment mir-riċevitur lill-Kummissarju tal-Pulizija: l-ismijiet u l-indirizzi ta' l-operaturi involuti; din l-informazzjoni ghandha tkun dettaljata biżżejjed biex l-operaturi jkunu jistgħu jiġu kkuntattjati u biex tingieb konferma li l-persuni in kwistjoni jkunu intitolati skond il-liġi li jirċievu l-konsenja, l-ghadd u l-kwantità ta' l-esplożivi li jkunu qed jiġu ittrasferiti, id-deskrizzjoni shiha ta' l-esploziv in kwistjoni u tal-mezzi ta' identifikazzjoni, inkluż in-numru ta' identifikazzjoni tan-Nazzjonijiet Uniti, meta l-esplożivi jkunu se jitqieghdu fis-suq, informazzjoni dwar il-konformità mal-kondizzjonijiet għat-tqegħid fis-suq, il-mezzi ta' trasferiment u r-rotta, id-dati meta jkun mahsub li jsir it-tluq u t-twassil, meta jkun hekk mehtieġ, il-postijiet preċiżi tad-dhul ġewwa u l-hruġ minn Malta u, jew f'xi Stat Membru tal-Komunità Ewropea.

Il-Kummissarju tal-Pulizija ghandu jeżamina l-kondizzjonijiet kif jista' jsir it-trasferiment, b'attenzjoni partikolari għall-htigiet speċjali ta' sigurtà. Jekk il-htigiet ta' sigurtà speċjali jkunu sodisfaċenti, ghandha tinghata l-approvazzjoni għat-trasferiment. Fil-każ li l-konsenja tghaddi minn territorju ta' Stati ohra li jiffurmaw parti mill-Komunità Ewropea, ir-riċevitur ghandu jikseb l-awtorizzazzjoni mehtieġa biex jghaddi minn dawk l-Istati skond il-provvedimenti tal-paragrafi (a) sa (d) ta' dan is-subregolament.

(f) Ebda fornitur ma jista' jittrasferixxi esplożivi lil riċevitur f'Malta jew fil-Komunità Ewropea jekk ir-riċevitur ma jkunx ġab l-awtorizzazzjonijiet mehtieġa għat-trasferiment skond il-provvedimenti tal-paragrafi (a) sa (d) ta' dan is-subregolament.

(2) Il-provvedimenti tas-subregolament (1) ghandhom japplikaw ukoll għat-trasferiment ta' esplożivi minn terzi pajjiżi lejn Malta. F'każijiet bhal dan, ir-riċevitur ghandu jkollu wkoll licenza ta' l-importazzjoni valida mahruġa mid-Dipartiment tal-Kummerċ.

Trasferiment ta'  
Munizzjon

**10.** (1) Il-munizzjoni jista' jkun trasferit ġewwa Malta u bejn Malta u l-Istati Membri tal-Komunità Ewropea skond il-proċedura mnizzla biss fir-regolamenti li ġejjin. Dawn il-provvedimenti ghandhom japplikaw ukoll għal trasferimenti li jaqgħu taht bejgh b'ordni magħmulin bil-posta:

(a) Meta l-munizzjon ikun ser jiġi trasferit minn Malta lil riċevitur f'Malta jew fi Stat Membru tal-Komunità Ewropea, il-persuna involuta ghandha, qabel tibghat il-konsenja, tghaddi lill-Kummissarju tal-Pulizija:

(i) l-ismijiet u l-indirizzi tal-persuna li tkun se tbigh jew tittrasferixxi l-munizzjon, tal-persuna li tkun se tixtri jew takkwista l-munizzjon u, fejn hu mehtieg, tal-proprjetarju,

(ii) l-indirizz fejn il-munizzjon se jiġi konsenjat jew trasportat,

(iii) il-kwantità ta' ammunizzjon li se tkun ikkonsenjata jew ittrasportata,

(iv) informazzjoni mehtieġa biex l-ammunizzjon ikun identifikat u wkoll indikazzjoni li l-ammunizzjon kien iċċekkjat skond il-Konvenzjoni ta' l-1 ta' Lulju 1969 dwar Rikonossiment Reċiproku dwar Bolli Kreditarji fuq Armi Żgħar,

(v) il-mezzi ta' trasferiment,

(vi) id-data tat-tluq u d-data meta hu mahsub li jitwassal. Ma hemmx għalfejn tingħata l-informazzjoni msemmija fis-subparagrafi (v) u (vi) ta' dan il-paragrafu fil-każ ta' trasferiment bejn negozjanti. Il-Kummissarju tal-Pulizija għandu jeżamina l-kondizzjonijiet li jirregolaw it-trasferiment, b' mod partikolari fir-rigward tas-sigurtà. Meta trasferiment ta' din ix-xorta jkun awtorizzat, il-Kummissarju tal-Pulizija għandu johroġ liċenza li tkun tiġbor fiha l-partikolaritajiet kollha msemmija fis-subparagrafu (i). Dik il-liċenza għandha tibqa' mal-munizzjon sakemm jasal fid-destinazzjoni tiegħu; u għandha tintwera kull meta jkun hekk mehtieg mill-awtoritajiet kompetenti ta' dak il-pajjiż.

(b) Negozjanti tal-munizzjon jistgħu jingħataw id-dritt li jittrasferixxu munizzjon minn Malta lil negozjant tal-munizzjon stabbilit fi Stat Membru tal-Komunità Ewropea bla ma jehtieġu l-awtorizzazzjoni minn qabel imsemmija f'paragrafu 10(1)(a) ta' dawn ir-regolamenti. Għal dan l-iskop, il-Kummissarju tal-Pulizija jista' johroġ awtorizzazzjoni valida għal tliet snin li tista' tkun sospiza jew kancellata f'kull waqt skond deċiżjoni motivata. Dokument li jirreferi għal dik l-awtorizzazzjoni għandu jimxi mal-munizzjon sakemm dan jasal fid-destinazzjoni tiegħu. Dan għandu jintwera kull meta jkun mehtieg mill-awtoritajiet kompetenti rilevanti. Qabel ma jagħmel ir-trasferiment, in-negozjant tal-munizzjon għandu jgħaddi lill-Kummissarju tal-Pulizija l-partikolaritajiet kollha elenkati f'paragrafu 10(1)(a)(i) ta' dawn ir-regolamenti.

(2) Il-provvedimenti tas-subregolament (1) ghandhom japplikaw ukoll għat-trasferiment ta' munizzjon minn terzi pajjiżi lejn Malta. F'kazijiet ta' din ix-xorta r-riċevitur ghandu jkollu wkoll liċenza ta' l-importazzjoni valida mahruġa mid-Dipartiment tal-Kummer.

(3) B'deroga minn regolament 9(1) paragrafi (b) sa (e) u regolamenti 10(1) u 10(2) ta' dawn ir-regolamenti, il-Kummissarju tal-Pulizija jista', f'każ ta' theddid gravi lis-sigurtà pubblika, jew ta' attacchi fuqha, ġejjin mill-pussess jew l-użu illeċitu ta' esplożivi koperti b'dawn ir-regolamenti, jiehu l-miżuri mehtieġa kollha rigward it-trasferimenti ta' esplożivi jew munizzjon biex jimpedixxi dan il-pussess jew użu illeċitu. Dawn il-miżuri ghandhom jirrispettaw il-prinċipju tal-proporzjonalità. La ghandhom jikkostitwixxu xi mezz ta' diskriminazzjoni arbitrarja u lanqas xi restrizzjoni mohbija ta' xi kummerċ bejn il-pajjiżi.

Referenza għall-Att ta' l-2001 dwar is-Sigurezza tal-Prodotti.

Att Nru. V ta' l-2001.

**11.** Esplożivi, kif imfissra f'dawn ir-regolamenti, u bl-eċċezzjoni ta' l-eskluzjonijiet imsemmija f'regolament 2(2), ghandhom jinkwadraw fl-iskop tad-dmirijiet tad-Direttur ta' Sorveljanza fuq is-Suq, kif definit f'Artiklu 27 ta' l-Att ta' l-2001 dwar is-Sigurezza tal-Prodotti.

## Skeda I

### HTIĠIET TA' SIGURTÀ ESSENZJALI

#### I. Htiġiet Ġenerali

1. Kull esploziv ghandu jkun iddisinjat, manifatturat u fornut b'mod li jippreżenta riskju minimu ghas-sigurtà tal-hajja u s-sahha umana, u biex jimpedixxi hsara lil propjetà u lill-ambjent f'irkustanzi normali u li wiehed jista' jipprevedihom, u b'mod partikolari fir-rigward tar-regoli ta' sigurtà u prattiċi standard sakemm jintuza l-isplussiv.

2. Kull esploziv ghandu jilhaq il-karatteristiċi ta' kif jiffunzjona speċifikati mill-manifattur biex ikunu żgurati l-oghla sigurtà u affidament shih.

3. Kull esploziv ghandu jkun iddisinjat u manifatturat b'mod li meta jintużaw tekniċi kif suppost dan ikun jista' jitnehha b'mod li l-effetti fuq l-ambjent ikunu mill-inqas.

#### II. Htiġiet spejali

1. L-informazzjoni u proprjetajiet – fejn mehtieg - li ġejjin huma l-minimu li ghandu jkun ikkunsidrat. Kull esplozivi ghandu jkun ittestjat ta't kondizzjonijiet realistiċi. Jekk dan ma jistax isir f'laboratorju, it-testijiet ghandhom isiru fil-kondizzjonijiet li fihom ikun ser jintuza l-esploziv.

(a) Proprjetajiet ta' kostruzzjoni u dawk karatteristiċi, inklużi l-kompożizzjoni kimika, il-grad ta' taħlit u, fejn mehtieg, id-dimensjonijiet u distribuzzjoni tal-volum imtarrab.

(b) L-istabbiltà fizika u kimika ta' l-esploziv f'kull kondizzjoni ambjentali li jista' jkun espost ghalha.

(c) Sensittività għall-impatt u l-frizzjoni.

(d) Kompatibilità tal-komponenti kollha fir-rigward ta' l-istabbiltà fizika u kimika tagħhom.

(e) Il-purità kimika ta' l-esploziv.

(f) Reżistenza ta' l-esploziv għall-influenza ta' l-ilma meta jkun maħsub biex jintuza f'kondizzjonijiet umdi jew fejn hemm it-tixrib u meta s-sigurtà jew id-dipendenza tiegħu jistgħu jintlaqtu negattivament mill-ilma.

(g) Reżistenza għal temperaturi baxxi u għoljin, meta l-esploziv ikun maħsub biex jinħażen jew jintuza f'dawn it-temperaturi u s-sigurtà jew id-

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dipendenza tiegħu jistgħu jintlaqtu negattivament mit-tiksijiet jew tishin ta' xi komponent jew ta' l-esplożiv bħala haġa shiha.

(h) Kemm l-esplożiv ikun adattat biex jintuża f'ambjenti perikolużi (bħalma huma, ambjent li fih ikun hemm periklu minhabba tahlit ma' l-arja, mases ta' shana , eċċ.) jekk ikun maħsub biex jintuża f'kundizzjonijiet ta' din ix-xorta.

(i) Karatteristiċi ta' sigurtà maħsubin biex jimpedixxu bidu ta' hruq mhux fil-waqt dovut jew involuntarju.

(j) It-tagħbija u thaddim korrett ta' l-esplożivi meta jintuża għall-iskop li jkun maħsub għalih.

(k) Struzzjonijiet adatti bil-Malti u/jew bl-Ingliż u, fejn ikun mehtieg, marki fir-rigward ta' garr fiż-żgur, hżin, użu u rimi.

(l) L-abilità ta' l-esplożiv, kif ikun mgħotti u l-komponenti oħra biex jilqgħu kontra d-deterjorament waqt il-hżin sakemm tasal id-data "uza sa" speċifikata mill-manifattur.

(m) Speċifikazzjoni ta' l-apparati u l-aċċessorji kollha mehtieġa biex l-esplożiv jiffunzjona bla periklu u fiż-żgur.

2. Il-gruppi diversi ta' l-esplożivi għandhom għall-inqas jikkonformaw ukoll mal-htigiet li ġejjin:

A. L-esplożivi li jtajjru l-blat

(a) Il-metodu propost kif jieħdu għandu jiżgura splużjoni jew tqabbid sigur, ta' min joqghod fuqu u detonazzjoni jew theżżiz skond kif mehtieg, ta' l-esplożiv li jtajjar il-blat. Fil-każ partikolari ta' porvli iswed għandha tkun ikkontrollata l-kapaċità tat-theġġig tiegħu.

(b) Esplożivi li jtajjru l-blat u li jkollhom il-forma ta' skrata għandhom jgħaddu l-isplużjoni b'mod sigur u ta' min joqghod fuqu minn tarf ta' serbut skrata sat-tarf l-iehor.

(ċ) Il-ġassijiet prodotti minn esplożivi li jtajjru l-blat maħsubin għal użu ta't l-art jistgħu jużaw monossidu tal-karbonju, gassijiet nitrużi, fwar u residwi solidi li jtiru fl-arja unikament fi kwantitajiet li ma jagħmlux hsara lis-sahha f'kundizzjonijiet ta' operazzjoni normali.

B. Miċeċ li jisplodu, *fuses* siguri, miċeċ li jqabbd u tubi tax-xokkijiet.

(a) L-ghata ta' miċċ li jisplodu, *fuses* siguri u miċċ li jqabbd għandu jkollhom saħħa mekkanika biżżejjed u jkunu jiproteġu biżżejjed il-mili ta' l-esplożivi meta jkunu soġġetti għal forza mekkanika.

(b) Il-parametri għal kemm il-*fuses* siguri jdumu jaqbd għandhom ikunu indikati u jinżammu b'mod ta' min joqghod fuqu.

(ċ) Miċċ li jisplodu għandhom jitqabbd b'mod ta' min joqghod fuqu, ikollhom kapaċità ta' tqabbd suffijenti u jikkonformaw mal-htigiet fir-rigward tal-ħżin anki f'kondizzjonijiet klimatiċi partikolari.

Ċ. Detonaturi (inklużi detonaturi tal-hin) u *relays*.

(a) Detonaturi għandhom iqabbd b'mod ta' min joqghod fuqu t-tqabbd ta' esplożivi li jtajjru l-blat u li jkunu maħsubin biex jintużaw magħhom f'kull kondizzjoni ta' użu prevedibbli.

(b) *Relays* għandhom ikunu jistgħu jitqabbd b'mod ta' min joqghod fuqu.

(ċ) Il-kapaċità tat-tqabbd ma għandhiex tintlaqat b'mod negattiv mill-umdità.

(d) Il-hin li jieħdu detonaturi tal-hin biex jieħdu għandu jkun biżżejjed uniformi biex jiżgura li l-probabilità li l-hinijiet sakemm jieħdu ma jkunux aktar mill-hin li d-detonaturi li jmiss, u li dan ikun insinifikanti.

(e) Il-karatteristiċi elettriċi ta' detonaturi elettriċi għandhom jidhru fuq l-ippakkjar (nghidu ahna, kurrent li ma jaqbadx, reżistenza, eċċ.).

(f) Il-*wires* tad-detonaturi elettriċi għandu jkollhom insulazzjoni u qawwa mekkanika biżżejjed inkluża solidità tal-konnessjoni mad-detonatur, waqt li jingħata każ ta' l-użu li għalih ikunu maħsubin.

D. Propellanti u murtali propellanti.

(a) Dawn il-materjali ma għandhomx jieħdu meta jintużaw għall-iskop li huma maħsubin għalih.

(b) Meta hu meħtieġ tagħmir li jitfahh barra (nghidu ahna, daww ibbażati fuq nitroċellulożi) għandu jkun stabilizzat kontra d-dekompożizzjoni.

(ċ) Murtali propellanti solidi li jitfah murtali 'l barra, meta jkun kompressat (ippressat) jew f'forma fonduta, ma għandu jkollu ebda fissura magħmula bla hsieb jew b'żieqa ta' l-arja li jkunu jolqtu b'mod perikoluż il-funzjonament tagħhom.

## Skeda II

### 1. MODULU B: Eżami tat-tip EC

1. Dan il-modulu jiddeskrivi dik il-parti tal-proedura li biha korp notifikat ikun jaççerta u jafferma li kampjun li jkun rappreżentattiv tal-produzzjoni li tkun ippjanata, ikun jikkonforma mal-provvedimenti rilevanti tar-Regolamenti.

2. L-applikazzjoni biex isir eżami tat-tip EC issir mill-manifattur jew mir-rappreżentant awtorizzat tiegħu lil korp notifikat li jagħzel hu.

L-applikazzjoni għandu jkollha:

- l-isem u l-indirizz tal-manifattur u, jekk l-applikazzjoni ssir mir-rappreżentant awtorizzat, l-isem u l-inidirizz tiegħu wkoll,
- dikjarazzjoni bil-miktub li l-istess applikazzjoni ma saritx lil xi korp notifikat ieħor,
- id-dokumenti tekniċi, kif deskritti f'Taqsim 3.

L-applikant għandu jqiegħed għad-dispożizzjoni tal-korp notifikat kampjun rappreżentattiv tal-produzzjoni li tkun ippjanata, minn issa 'il quddiem imsejjah 'tip'. Il-korp notifikat jista' jitlob aktar kampjuni jekk ikun meħtieġ biex isir il-programm kollu tat-test.

3. Id-dokumenti tekniċi għandhom iwasslu biex titkejjel il-konformità ta' l-apparat mal-htigiet tar-Regolamenti. Huma għandhom ikopru, safejn hu rilevanti għal dan il-kejl, id-disinn, manifattura u thaddim ta' l-apparat li jkollhom, safejn hu meħtieġ għal dan il-kejl:

- deskrizzjoni tat-tip ġenerali,
- disinn u disinji u diagrammi konettwali tal-manifattura ta' komponenti, partijiet, ċirkuwiti, eċċ.,
- deskrizzjonijiet u spjegazzjonijiet meħtieġa biex wiehed jifhem id-disinji u d-diagrammi u kif jahdem il-prodott,
- lista ta' *standards* msemmija f'Regolament 4.2 ta' dawn ir-regolamenti, applikati shah jew parzjalment, u deskrizzjonijiet tas-soluzzjonijiet adottati biex jintlahqu l-htigiet essenzjali ta' dawn ir-Regolamenti,
- riżultati tal-kalkoli tad-disinn magħmulin, eżamijiet li saru, eċċ.,
- rapporti ta' testijiet.

4. Il-korp notifikat ghandu:

4.1. jeżamina d-dokumenti tekniċi, jivverifika li t-tip kien manifatturat b'konformità ma' daww id-dokumenti u jidentifika l-elementi li ġew iddisinjati skond il-provvedimenti rilevanti ta' *standards* li hemm referenza ghalihom f'regolament 4(2) ta' dawn ir-regolamenti u wkoll il-komponenti li ġew iddisinjati minghajr ma kienu applikati l-provvedimenti rilevanti ta' tali *standards*;

4.2. jagħmel jew iġieghel li jsiru l-eżamijiet adatti u t-testijiet mehtieġa biex ikun ikkontrollat jekk, fejn l-*istandards* li hemm referenza ghalihom f'regolament 4(2) ta' dawn ir-regolamenti ma kinux applikati, is-soluzzjonijiet adottati mill-manifattur jissodisfawx il-htieġiet essenzjali tar-Regolamenti;

4.3. jagħmel jew iġieghel li jsiru l-eżamijiet adatti u t-testijiet mehtieġa biex ikun ikkontrollat jekk, fejn il-manifattur għażel li japplika *standards* rilevanti, dawn kienu applikati tassew;

4.4. jiftiehem ma' l-applikant dwar il-post fejn għandhom isiru l-eżamijiet u t-testijiet mehtieġa.

5. Meta t-tip ikun jissodisfa l-provvedimenti rilevanti ta' dawn ir-regolamenti, il-korp notifikat johroġ ertifikat ta' eżami tat-tip EC lill-applikant. I-ertifikat ikollu l-isem u l-indirizz tal-manifattur, il-konkluzjoni ta' l-eżami u kull informazzjoni mehtieġa għall-identifikazzjoni tat-tip approvat.

Lista tal-partijiet rilevanti tad-dokumenti tekniċi tiġi annessa maċ-ċertifikat u kopja tinzamm mill-korp notifikat.

Jekk il-manifattur jew ir-rappreżentant awtorizzat tiegħu ma jingħataw ertifikat tat-tip, il-korp notifikat għandu jagħti raġunijiet dettaljati għal dan ir-rifjut.

Għandu jkun hemm provvediment għal proedura ta' appelli.

6. L-applikant jinforma lill-korp notifikat li jkollu għandu d-dokumenti tekniċi dwar i-ertifikat ta' l-eżami tat-tip EC bil-modifiki kollha għall-applikazzjoni approvata li jridu jingħataw approvazzjoni addizzjonali meta dawn il-bidliet jistgħu jolqtu l-konformità mal-htieġiet essenzjali jew mal-kondizzjonijiet preskritti għall-użu tal-prodott. Din l-approvazzjoni addizzjonali tingħata fil-forma ta' żjeda maċ-ċertifikat ta' l-eżami tat-tip EC oriġinali.

7. Kull korp notifikat għandu jikkomunika lill-korpi notifikati l-oħra l-informazzjoni rilevanti dwar i-ertifikati ta' l-eżami tat-tip EC u żjidiet mahruġin u ritirati.

8. Il-korpi notifikati l-oħra jistgħu jirievu kopji ta-ertifikati ta' l-eżami tat-tip EC uċjew taż-żjiediet li jsirulhom. L-Annessi maċ-ċertifikati għandhom jinżammu għad-disposizzjoni tal-korpi notifikati l-oħra.

9. Il-manifattur jew ir-rappreżentant awtorizzat tiegħu għandu jzomm mad-dokumenti tekniċi kopji ta-ertifikati ta' l-eżami tat-tip EC u taż-żjiediet li jsirulhom għal perijodu ta' mhux inqas minn għaxar snin mill-aħħar data ta' manifattura tal-prodott li jkun.

## 2. MODULU : Konformità mat-tip

1. Il-modulu jiddeskrivi dik il-parti tal-proedura li biha l-manifattur jew ir-rappreżentant awtorizzat tiegħu jiżgura u jiddikjara li l-esplożivi in kwistjoni jikkonformaw mat-tip kif deskritt fiċ-ċertifikat ta' l-eżami tat-tip EC u jissodisfaw il-htigiet ta' dawn ir-Regolamenti li japplikaw għalihom. Il-manifattur għandu jwahaħhal il-marka CE ma' kull esplożiv u jagħmel dikjarazzjoni ta' konformità bil-miktub.

2. Il-manifattur għandu jiehu l-mizuri necessarji kollha biex jiżgura li l-proess ta' manifattura jiżgura l-konformità tal-prodott manifatturat mat-tip kif deskritt fiċ-ċertifikat ta' l-eżami tat-tip EC mal-htigiet ta' sigurtà essenzjali tar-regolamenti.

3. Il-manifattur jew ir-rappreżentant awtorizzat tiegħu għandu jzomm kopja tad-dikjarazzjoni ta' konformità għal perijodu ta' mhux inqas minn għaxar snin mill-aħħar data ta' manifattura tal-prodott li jkun.

4. Korp notifikat magħżul mill-manifattur għandu jagħmel jew iġieghel li jsiru eżamijiet tal-prodott f'intervalli irregolari. Kampjun adattat tal-prodotti lesti, meħud minn fuq il-post mill-korp notifikat, hu eżaminat u għandhom isiru testijiet apposta, definiti f'kull *standard* applikabbli li hemm referenza għalih f'regolament 4(2) ta' dawn ir-regolamenti jew testijiet ekwivalenti biex tkun ikkontrollata l-konformità tal-prodott mal-htigiet tar-regolamenti korrispondenti. Fil-każ li kampjun jew aktar tal-prodott eżaminat ma jikkonformawx, il-korp notifikat għandu jiehu l-mizuri meħtieġa u xierqa.

Il-manifattur, fuq responsabbiltà tal-korp notifikat, għandu jwahaħhal is-simbolu ta' identifikazzjoni waqt il-proess tal-manifattura.

## 3. MODULU D: Assikurazzjoni tal-kwalità tal-produzzjoni

1. Dan il-modulu jiddeskrivi l-proedura li biha l-manifattur li jissodisfa l-obbligi ta' Taqsima 2 jiżgura u jiddikjara li l-esplożivi in kwistjoni jikkonformaw mat-tip kif deskritt fiċ-ċertifikat ta' l-eżami tat-tip EC u jissodisfaw il-htigiet ta' dawn ir-Regolamenti. Il-manifattur iwahaħhal il-marka CE ma' kull esplożiv u jagħmel dikjarazzjoni ta' konformità bil-miktub. Il-marka CE għandu jkollha magħha s-simbolu

ta' identifikazzjoni tal-korp notifikat responsabbli mill-kontrolli li hemm referenza ghalihom f'Taqsimha 4.

2. Il-manifattur ghandu jopera sistema ta' kwalità approvata ghall-produzzjoni, spezzjoni tal-prodott finali u ttestjar kif speçifikat f'Taqsimha 3. Hu soġġett ghall-kontrolli li hemm referenza ghalihom f'Taqsimha 4.

3. Sistema ta' kwalità

3.1. Il-manifattur jifhem applikazzjoni ghal valutazzjoni tas-sistema ta' kwalità tiegħu ma' korp notifikat li jagħzel hu ghall-esplożivi konernati.

L-applikazzjoni ghandu jkun fiha:

- kull informazzjoni rilevanti ghall-kategorija ta' l-esploziv maħsub biex jinħadem,
- id-dokumenti dwar is-sistema ta' kwalità,
- id-dokumenti tekniçi konnessi mat-tip approvat u kopja tat-tip EC,
- ertifikat ta' eżami.

3.2. Is-sistema ta' kwalità ghandha tiżgura l-konformità ta' l-iesplożivi mat-tip kif deskritt fiç-çertifikat ta' eżami tat-tip EC u mal-htigiet ta' dawn ir-regolamenti li japplikaw ghalihom.

L-elementi, htigiet u provvedimenti kollha adottati mill-manifattur ghandhom ikunu dokumentati b'mod sistematiku u ordnat f'forma ta' pratki, proeduri u struzzjonijiet bil-miktub. Id-dokumenti tas-sistema ta' kwalità ghandhom jippermettu interpretazzjoni konsistenti tal-programmi ta' kwalità, pjanijiet, manwali u *records* ta' kwalità.

B'mod partikolari ghandu jkollhom deskrizzjoni adegwata ta':

- l-objettivi tal-kwalità u l-istruttura ta' l-organizzazzjoni, responsabbiltajiet u setghat tan-nies tat-tmexxija fir-rigward tal-kwalità ta' l-esplożivi,
- it-teknikalitajiet, proessi u azzjonijiet sistematichi ta' manifattura, kontroll tal-kwalità u assigurazzjoni tal-kwalità li se jintużaw,
- l-eżamijiet u t-testijiet li jkunu se jsiru qabel, waqt u wara l-manifattura, u kull meta jibdew isiru,

- kull *record* ta' kwalità, b'alma huma rapporti ta' spezzjonijiet u informazzjoni tat-testijiet, informazzjoni fuq kalibrar, rapporti tal-kwalifiki tan-nies involuti, eċċ.,

- il-mezzi li bihom tkun ikkontrollata l-kwalità mehtieġa ta' l-esploziv u t-thaddim effettiv tas-sistema ta' kwalità.

3.3. Il-korp notifikat għandu jivvaluta s-sistema ta' kwalità biex jiddetermina jekk din tkunx tissodisfa l-htigiet li hemm referenza għalihom fi 3.2. Hu għandu jippreżumi li hemm konformità ma' daww il-htigiet fil-każ ta' sistemi ta' kwalità li jqiegħdu fil-prattika *standard* armonizzat rilevanti. Il-korp li jagħmel il-verifika għandu jkollu mill-inqas membru wiehed li jkollu esperjenza fil-valutazzjoni tat-teknoloġija tal-prodott li jkun. Il-proċedura ta' valutazzjoni tinkludi żjara ta' spezzjoni fil-lokal tal-manifattur. Id-deċiżjoni hija notifikata lill-manifattur. In-notifika għandu jkollha l-konklużjonijiet ta' l-eżami u d-deċiżjoni tal-valutazzjoni debitament sostanzjata.

3.4.1. Il-manifattur għandu jintrabat li jaqdi l-obbligi li jirriżultaw mis-sistema ta' kwalità kif approvata u jżommha f'livell adegwat u effijenti.

Il-manifattur jew ir-rappreżentant awtorizzat tiegħu għandu jinforma lill-korp notifikat li jkun approva s-sistema ta' kwalità b'kull bdil propost fis-sistema ta' kwalità.

Il-korp notifikat għandu jivvaluta l-bidliet proposti u jiddeċiedi jekk is-sistema ta' kwalità mibdula tibqax tissodisfa l-htigiet imsemmija fi 3.2 jew jekk tkunx mehtieġa valutazzjoni ġdida.

Hu għandu jgħarraf lill-manifattur bid-deċiżjoni tiegħu. In-notifika għandu jkollha l-konklużjonijiet ta' l-eżami u d-deċiżjoni debitament sostanzjata.

4. Kontroll kontinwu taht ir-responsabbiltà tal-korp notifikat.

4.1 L-iskop tal-kontroll kontinwu hu li jiżgura li l-manifattur jaqdi kif għandu jkun l-obbligi li jirriżultaw mis-sistema ta' kwalità approvata.

4.2 Il-manifattur għandu jippermetti lill-korp notifikat aċċess għal skopijiet ta' spezzjon tal-lokal ta' manifattura, kull spezzjoni, ittestjar u hżin u jipprovdu l-informazzjoni mehtieġa kollha, b'mod partikolari:

- id-dokumenti tas-sistema ta' kwalità,

- ir-*record* tal-kwalità, b'alma huma rapporti ta' spezzjonijiet u informazzjoni fuq testijiet, informazzjoni fuq kalibrar, rapporti tal-kwalifiki tan-nies konernati, eċċ.

4.3. Il-korp notifikat għandu, perjodikament, jawditja biex jiżgura li l-manifattur iżomm u japplika s-sistema ta' kwalità u jgħaddi rapport ta' awditjar lill-manifattur.

4.4. Barra minn hekk il-korp notifikat jista' jagħmel żjarat bla avviż minn qabel lill-manifattur. Waqt dawn iż-żjarat il-korp notifikat jista' jagħmel jew iġieghel li jsiru testijiet biex jivverifika li s-sistema ta' kwalità qed tiffunzjona tajjeb; jekk ikun meħtieġ, il-korp notifikat għandu jgħaddi lill-manifattur rapport taż-żjara u, jekk ikun sar test, rapport tat-test.

5. Il-manifattur għandu, għal perjodu mhux inqas minn 10 snin mill-ahhar data tal-manifattura tal-prodott, iżomm għad-disposizzjoni ta' l-awtoritajiet nazzjonali:

- id-dokument imsemmi fit-tieni subiniż ta' 3.1,

- l-aġġornar imsemmi fit-tieni paragrafu ta' 3.4,

- id-deċiżjonijiet u r-rapporti mill-korp notifikat imsemmija fl-ahhar paragrafu ta' 3.4, u f'4.3 u 4.4.

6. Kull korp notifikat għandu jagħti lill-korpi notifikati l-oħra l-informazzjoni rilevanti dwar kull approvazzjoni ta' sistema ta' kwalità mahruġin u rtirati.

#### 4. MODULU E: Assikurazzjoni tal-kwalità tal-prodott

1. Dan il-modulu jiddeskrivi l-proċedura li biha l-manifattur li jissodisfa l-obbligi ta' Taqsima 2 jiżgura u jiddikjara li l-esplożivi jikkonformaw mat-tip kif deskritt fiċ-ċertifikat ta' eżami tat-tip EC. Il-manifattur għandu jwahaħ il-marka CE ma' kull esploziv u jagħmel dikjarazzjoni ta' konformità bil-miktub. Il-marka CE għandu jkollha magħha s-simbolu ta' identifikazzjoni tal-korp notifikat responsabbli mill-kontrolli msemmija f'Taqsima 4.

2. Il-manifattur għandu jhaddem sistema ta' kwalità approvata biex tkun spezzjonata u ttestjata b'mod finali kif speċifikat f'Taqsima 3. Hu għandu jkun soġġett għall-kontrolli li hemm referenza għalihom f'Taqsima 4.

#### 3. Sistema ta' kwalità

3.1. Il-manifattur jitfah applikazzjoni ma' korp notifikat li jagħzel hu għal valutazzjoni tas-sistema ta' kwalità għall-esplożivi tiegħu.

L-applikazzjoni għandu jkun fiha:

- kull informazzjoni rilevanti għall-kategorija ta' l-esploziv mahsub biex jinħadem,

- id-dokumenti tas-sistema ta' kwalità,

- id-dokumenti tekniċi konnessi mat-tip approvat u kopja taċ-ċertifikat ta' eżami tat-tip EC.

3.2. Taht is-sistema ta' kwalità, kull esploziv hu eżaminat u jsirulu t-testijiet apposta kif definit fi *standards* rilevanti li hemm referenza ghalihom f' regolament 4(2) ta' dawn ir-regolamenti jew testijiet ekwivalenti biex ikun ivverifikat jekk dan jikkonformax mal-htigiet rilevanti tar-regolamenti. L-elementi, htigiet u provvedimenti kollha adottati mill-manifattur ghandhom ikunu dokumentati b' mod sistematiku u ordinat f' forma ta' pratki, proceduri u struzzjonijiet bil-miktub. Din id-dokumentazzjoni tas-sistema ta' kwalità ghandha tippermetti interpretazzjoni uniformi tal-programmi ta' kwalità, pjanijiet, manwali u ta' kull *record*.

B' mod partikolari ghandu jkollha deskrizzjoni adegwata ta':

- l-objettivi tal-kwalità u l-istruttura ta' l-organizzazzjoni, responsabbiltajiet u setghat tan-nies tat-tmexxija fir-rigward tal-kwalità tal-prodott,

- l-eżamijiet u testijiet li jkunu se jsiru wara l-manifattura,

- il-mezzi ta' kif isir kontroll kontinwu tat-thaddim effettiv tas-sistema ta' kwalità,

- Kull *record* tal-kwalità, bhalma huma rapporti ta' spezzjonijiet u informazzjoni tat-testijiet, informazzjoni fuq kalibrar, rapporti tal-kwalifiki tan-nies in kwistjoni, eċċ.

3.3. Il-korp notifikat ghandu jivvaluta s-sistema ta' kwalità biex jiddetermina jekk tissodisfax il-htigiet li hemm referenza ghalihom fi 3.2. Hu ghandu jippreżumi li hemm konformità ma' daww il-htigiet fil-każ ta' sistemi ta' kwalità li jqiegħdu fil-prattika *standard* armonizzat rilevanti.

Fil-korp tal-verifika ghandu jkun hemm mill-inqas membru wiehed li jkollu esperjenza fil-valutazzjoni tat-teknoloġija tal-prodott li jkun. Il-proċedura ta' valutazzjoni ghandha tinkludi żjara ta' spezzjoni fil-lokal tal-manifattur.

Id-deċiżjoni ghandha tkun notifikata lill-manifattur. Fin-notifika ghandu jkun hemm il-konklużjonijiet ta' l-eżami u d-deċiżjoni tal-valutazzjoni sostanzjata.

3.4.1 Il-manifattur ghandu jintrabat li jaqdi l-obbligi li jirriżultaw mis-sistema ta' kwalità kif approvata u jżommha f'livell adegwat u effijenti.

Il-manifattur jew ir-rappreżentant awtorizzat tiegħu ghandu jinforma lill-korp notifikat li jkun approva s-sistema ta' kwalità b'kull bdil propost fis-sistema ta' kwalità.

Il-korp notifikat ghandu jivvaluta l-bidliet proposti u jiddeċiedi jekk is-sistema ta' kwalità mibdula tibqax tissodisfa l-htigiet imsemmijin fi 3.2 jew jekk tkunx mehtieġa valutazzjoni ġdida.

Hu ghandu jgharraf lill-manifattur bid-deċiżjoni tiegħu. In-notifika ghandu jkollha l-konklużjonijiet ta' l-eżami u d-deċiżjoni debitament sostanzjata.

4.1.1. L-iskop tal-kontroll kontinwu hu li jiżgura li l-manifattur jaqdi kif ghandu jkun l-obbligi li jirrizultaw mis-sistema ta' kwalità approvata.

4.2. Il-manifattur ghandu jippermetti lill-korp notifikat aċċess għal skopijiet ta' spezzjonar tal-lokal ta' manifattura, spezzjoni, ittestjar u hżin u jipprovdu l-informazzjoni meħtieġa kollha, b'mod partikolari:

- id-dokumenti tas-sistema ta' kwalità,
- id-dokumenti tekniċi
- *ir-records* tal-kwalità, bħalma huma rapporti ta' spezzjonijiet u informazzjoni fuq testijiet, informazzjoni fuq kalibrar, rapporti tal-kwalifiki tan-nies konernati, eċċ.

4.3. Barra minn hekk il-korp notifikat jista' jagħmel żjarat bla avviż minn qabel lill-manifattur. Waqt dawn iż-żjarat il-korp notifikat jista' jagħmel jew iġieghel li jsiru testijiet biex jivverifika li s-sistema ta' kwalità qed tiffunzjona tajjeb; jekk ikun meħtieġ, il-korp notifikat ghandu jghaddi lill-manifattur rapport taż-żjara u, jekk ikun sar test, rapport tat-test.

5. Il-korp notifikat ghandu, perjodikament, jagħmel verifika biex jiżgura li l-manifattur iżomm u japplika s-sistema ta' kwalità u jghaddi rapport ta' verifika lill-manifattur.

6. Il-manifattur ghandu, għal perjodu mhux inqas minn 10 snin mill-aħħar data tal-manifattura tal-prodott, iżomm għad-dispożizzjoni ta' l-awtoritajiet nazzjonali:

- id-dokumenti imsemmijin fit-tieni inizz ta' 3.1,
- il-bidliet li hemm imsemmija fit-tieni paragrafu ta' 3.4,
- id-deċiżjonijiet u rapporti mill-korp notifikat imsemmija fl-aħħar paragrafu ta' 3.4, u f'4.3 u 4.4.

7. Kull korp notifikat ghandu jghaddi lill-korpi notifikati l-oħra l-informazzjoni rilevanti dwar l-approvazzjoni ta' sistemi ta' kwalità mahruġin u rtirati.

## 5. MODULU F: Verifika tal-prodott

1. Dan il-modulu jiddeskrivi l-proċedura li biha manifattur jew ir-rappreżentant awtorizzat tiegħu jikkontrolla u jafferma li l-esplożivi soġġetti għall-provedimenti

ta' 3 jikkonformaw mat-tip kif deskritt fiċ-ċertifikat ta' eżami tat-tip EC u jissodisfa l-htigiet rilevanti tar-Regolamenti.

2. Il-manifattur ghandu jiehu l-mizuri neċessarji kollha biex jiżgura li l-proċess ta' manifattura jiżgura li l-esplożivi jikkonformaw mat-tip deskritt fiċ-ċertifikat ta' eżami tat-tip EC u mal-htigiet tar-regolamenti li japplikaw ghalihom. Huwa ghandu jwajhal il-marka CE ma' kull esplożiv u jagħmel dikjarazzjoni ta' konformità.

3. Il-korp notifikat ghandu jagħmel l-eżamijiet u testijiet mehtieġa biex jikkontrolla l-konformità ta' l-esplożivi mal-htigiet rilevanti tar-regolamenti billi jeżamina u jittestja kull esplożiv kif speċifikat f'4.

Il-manifattur jew ir-rappreżentant awtorizzat tiegħu ghandu jżomm kopja tad-dikjarazzjoni ta' konformità għal perijodu mhux inqas minn 10 snin mill-aħhar data tal-manifattura ta' l-esplożiv.

4. Verifika b'eżami u ttestjar ta' kull esplożiv.

4.1. L-esplożivi kollha għandhom ikunu eżaminati wiehed wiehed u għandhom isirulhom testijiet mehtieġa kif hemm fi *standards* rilevanti li hemm referenza għalihom f'regolament 4.2 ta' dawn ir-regolamenti jew testijiet ekwivalenti biex tkun ivverifikata l-konformità tagħhom mat-tip rilevanti u mal-htigiet tar-regolamenti.

4.2. Il-korp notifikat ghandu jwajhal jew iġieghel li jitwajhal is-simbolu ta' identifikazzjoni tiegħu ma' kull esplożiv approvat u johroġ ċertifikat ta' konformità bil-miktub dwar it-testijiet li jkunu saru.

4.3. Il-manifattur jew ir-rappreżentant awtorizzat tiegħu għandhom jiżguraw li meta hekk jintalbu jagħmlu, huma jkunu jistgħu jipprezentaw iċ-ċertifikati ta' konformità tal-korp notifikat.

6. MODULU G: Verifika ta' l-unità

1. Dan il-modulu jiddeskrivi l-proċedura li biha l-manifattur jiżgura u jiddikjara li l-esplożiv li nhariglu ċ-ċertifikat u li hemm referenza għalih f'Taqsim 2 ikun jikkonforma mal-htigiet rilevanti tar-Regolamenti. Il-manifattur ghandu jwajhal il-marka CE fuq l-esplożiv u jagħmel dikjarazzjoni ta' konformità bil-miktub.

2. Il-korp notifikat ghandu jeżamina l-esplożiv u jagħmel it-testijiet mehtieġa kif hemm fi *standards* imsemmija f'regolament 4(2) ta' dawn ir-regolamenti jew testijiet ekwivalenti biex jiżgura l-konformità tiegħu mal-htigiet rilevanti tar-regolamenti.

3. Il-korp notifikat ghandu jwajhal jew iġieghel li jitwajhal is-simbolu ta' identifikazzjoni tiegħu ma' kull esplożiv approvat u johroġ ertifikat ta' konformità bil-miktub dwar it-testijiet li jkunu saru.

4. L-iskop tad-dokumenti tekniċi hu biex tista' tkun valutata l-konformità mal-htigiet tar-regolamenti u biex jinftiehm d-disinji, manifattura u thaddim ta' l-esploziv. Id-dokumenti għandu jkollhom, sa fejn hu mehtieg għall-valutazzjoni:

- deskrizzjoni ġenerali tat-tip,
- disinn konettwali u disinji tal-manifattura u skemi ta' komponenti, partijiet, ċirkwiti, eċċ.,
- deskrizzjonijiet u spjegazzjonijiet mehtieġa biex wiehed jifhem id-disinji u skemi msemmija u t-thaddim ta' l-esploziv jew sistema ta' protezzjoni,
- lista ta' *standards* li hemm referenza għalihom f'regolament 4(2) ta' dawn ir-regolamenti, applikati kollha jew parzjalment, u deskrizzjonijiet tas-soluzzjonijiet adottati biex jintlahqu l-htigiet essenzjali tar-regolamenti meta l-imsemmija *standards* li hemm referenza għalihom f'regolament 4(2) ta' dawn ir-regolamenti ma jkunux ġew applikati,
- riżultati tal-kalkoli tad-disinn li jkunu saru, eżamijiet li jkunu saru, eċċ.,
- rapport ta' testijiet.

### Skeda III

#### L-INQAS KRITERJI LI GħANDHOM JITQIESU MILL-ISTATI MEMBRI GHAN-NOTIFIKAZZJONI TA' KORPI

1. Il-korp, id-direttur tiegħu u l-impjegati responsabbli biex jagħmlu t-testijiet ta' verifika ma għandhomx ikunu d-disinjatur, manifattur, fornitur jew min jistalla l-esplozivi li huma jispezzjonaw, lanqas ir-rappreżentant awtorizzat ta' xi hadd minn dawn il-partijiet. Huma ma għandhomx jiġu involuti direttament jew bhala rappreżentanti awtorizzati fid-disinn, kostruzzjoni, bejgħ jew manutenzjoni ta' l-esplozivi. Dan ma jeskludix il-possibiltà ta' skambji ta' informazzjoni teknika bejn il-manifattur u l-korp.

2. Il-korp u l-impjegati tiegħu għandhom jagħmlu t-testijiet ta' verifika bl-oghla grad ta' integrità professjonali u kompetenza teknika u għandhom ikunu hielsa minn kull pressjoni jew thajjir, partikolarment finanzjarji, li jistgħu jinfluwenzaw il-ġudizzju tagħhom jew ir-riżultati ta' l-ispezzjoni, l-aktar minn persuni jew gruppi ta' persuni b'interess fir-riżultat tal-verifika.

3. Il-korp għandu jkollu għad-dispożizzjoni tiegħu l-impjegati mehtieġa u jkollu l-faċilitajiet mehtieġa biex jista' jaqdi kif għandu jkun il-hidmiet amministrattivi u tekniċi konnessi mal-verifika; huwa għandu wkoll ikollu aċċess għall-apparat mehtieġ għal verifika speċjali.

4. L-impjegati responsabbli mill-ispezzjoni ghandu jkollhom:

- tahrig tekniku u professjonali sod,

- gharfien sodisfacenti tal-htigiet tat-testijiet li jagħmlu u esperjenza adegwata ta' testijiet ta' din ix-xorta,

- il-hila li johorġu ertifikati, *records* u rapporti mehtieġa biex jawtentikaw kif ikunu marru t-testijiet.

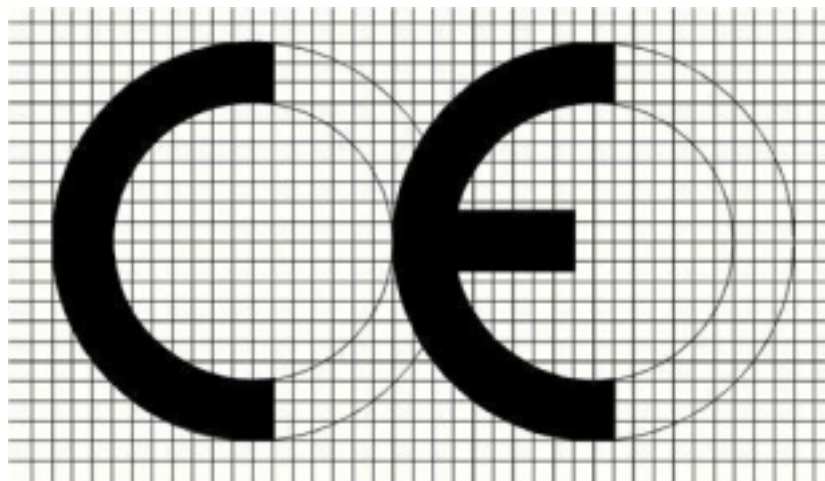
5. L-imparzjalità ta' l-impjegati għal spezzjonar ghandha tkun garantita. Ir-rimunerazzjoni tagħhom ma ghandhiex tiddependi fuq in-numru ta' testijiet li jagħmlu jew fuq ir-riżultati ta' dawn it-testijiet.

6. Il-korp ghandu jkun kopert minn polza ta' assicurazzjoni ta' responsabbiltà ivili sakemm ir-responsabbiltà tal-korp ma jerfagħhiex l-Istat skond il-liġijiet nazzjonali, jew l-Istat stess ikun responsabbli direttament għat-testijiet.

7. L-impjegati tal-korp ghandhom ikunu marbutin li jżommu s-sigriet professjonali fir-rigward ta' l-informazzjoni kollha miksuba waqt li jkunu qed jagħmlu xogħolhom (minbarra fir-rigward ta' l-awtoritajiet kompetenti ta' l-Istat li fih isir ix-xogħol) taht dawn ir-regolamenti jew xi provvedimenti ohra ta' liġi nazzjonali li timponi din is-segretezza.

**Skeda IV**

MARKA TA' KONFORMITÀ: Il-marka ta' konformità CE ghandha tikkonsisti fl-inizjali 'CE' fil-forma li ġejja:



Jekk il-marka tiċċekken jew titkabbar, ghandhom ikunu rispettati l-proporzjonijiet moghtija fid-disinn gradat hawn qabel.

**L.N. 279 of 2004**

**EXPLOSIVES ORDINANCE  
(CAP. 33)**

**CIVIL EXPLOSIVES  
REGULATIONS, 2004**

IN exercise of the powers conferred by article 22 of the Explosives Ordinance, the Minister for Justice and Home Affairs, has made the following regulations:-

Citation and commencement.

**1.** (1) The title of these regulations is the Civil Explosives Regulations, 2004.

(2) These regulations shall come into force on the 1<sup>st</sup> June, 2004.

Scope.

**2.** (1) These regulations shall apply to explosives as defined in regulation 3 of these regulations.

(2) The following are excluded from the scope of these regulations:

(a) explosives, including ammunition, intended for use, in accordance with Maltese law, by the armed forces or police;

(b) pyrotechnical articles;

(c) ammunition, except as provided in regulation 10 of these regulations.

Definitions.

**3.** For the purposes of these regulations, the following definitions shall apply:

“approval” shall mean the decision taken to allow envisaged transfers of explosives;

“dealer” shall mean any natural or legal person whose occupation consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of fire arms and ammunition;

“explosives” shall mean the materials and articles considered to be such in the United Nations recommendations on the transport

of dangerous goods and falling within Class 1 of those recommendations;

“placing on the market” shall mean any first disposal against payment or free of charge of explosives covered by these regulations with a view to their distribution and, or, use;

“safety” shall mean the prevention of accidents and, where prevention fails, the containment of their effects;

“security” shall mean the prevention of use contrary to law and order;

“the Ordinance” means the Explosives Ordinance;

“transfer” shall mean any physical movement of explosives apart from movements within one and the same site;

“undertaking in the explosives sector” shall mean any natural or legal person possessing a licence or authorization which entitles him to engage in the manufacture, storage, use, transfer or trade in explosives;

“United Nations recommendations” shall mean the recommendations laid down by the United Nations of Experts on the transport of Dangerous Goods, as published in the UN (Orange Book) and as amended by the date when these regulations are adopted.

**4.** (1) Explosives falling within the scope of these regulations must comply with the essential safety requirements set out in Schedule I which apply to them. Presumptions of conformity.

(2) Explosives falling within the scope of these regulations which comply with the relevant national standards transposing the harmonized standards the references of which have been published in the Official Journal of the European Communities shall be considered to be in conformity with the essential safety requirements referred to in sub-regulation (1) hereof. The references of the national standards transposing those harmonized standards shall be published in the Gazette.

**5.** (1) Updated information concerning undertakings in the explosives sector possessing licences or authorizations shall be kept by the Commissioner of Police. General requirements.

(2) The undertakings referred to in sub-regulation 1 of this regulation must possess a system for keeping track of explosives such that those holding explosives can be identified at any time. Undertakings in the explosives sector shall keep such records of their transitions as are necessary to fulfil the obligations of this regulation.

(3) The documents referred to in sub-regulation 2 of this regulation must be kept for at least three years after the end of the calendar year in which the recorded transaction took place, even if the undertaking has ceased trading. They must be immediately available for inspection at the request of the Commissioner of Police or the committee referred to in article 23 of the Ordinance.

(4) All explosives must be properly marked.

(5) In issuing a licence or authorization for the purpose of allowing an explosives manufacturing activity to be exercised, the Commissioner of Police shall check in particular that the persons responsible are capable of complying with the technical commitments they assume.

Conformity  
assessment  
procedures.

**6.** (1) The procedures for the attestation of the conformity of explosives shall be either: (a) EC type examination (Module B) referred to in Schedule II (1), and, at the choice of the manufacturer, either: (i) the type conformity (Module C) referred to in Schedule II (2), or(ii) the production quality assurance procedure (Module D) referred to in Schedule II (3), or(iii) the product quality assurance procedure (Module E) referred to in Schedule II (4), or (iv) the product verification (Module F) referred to in Schedule II (5); or(b) the unit verification (Module G) referred to in Schedule II (6).

CE Marking.

**7.** (1) Explosives falling within the scope of these regulations may be placed on the market only if they comply with all the provisions thereof, are provided with the CE marking and their conformity has been assessed in accordance with the procedures referred to in Schedule II.

(2) Where explosives falling within the scope of these regulations are subject to other regulations which cover other aspects and prescribe the fixing of the CE marking, this marking shall indicate that the abovementioned products are also presumed to conform to the provisions of any regulations which apply to them.

(3) The CE marking of conformity shall be affixed in such a way as to be visible, easily legible and indelible on the explosives themselves or, if this is not possible, on an identification plate attached

thereto or, in the last resort, if the first two methods cannot be used, on the packaging. The identification plate must be so designed as to make its reuse impossible. The model to be used for the CE marking shall be that reproduced in Schedule IV.

(4) It shall be prohibited to affix on explosives any mark or inscription which may confuse third persons as to the meaning and style of writing of the CE marking. Any other mark may be affixed on explosives provided the visibility and legibility of the CE marking is not impaired.

(5) Without prejudice to the provisions of sub-regulation (2) of this regulation, where it is established that the CE marking has been unduly affixed, the manufacturer, his agent or, failing these, the person responsible for placing the product in question on the market shall be obliged to restore the product to conformity with regard to the provisions on marking and end the infringement, without prejudice to any other measures which may be taken by the Commissioner of Police in accordance with the Ordinance.

(6) Where non-compliance to the provisions persists, the Commissioner of Police shall take all appropriate measures to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market in accordance with the procedures laid down in regulation 8.

**8.** (1) (2) Where it is established that an explosive bearing CE conformity marking and being used for its intended purpose may compromise safety, the Commissioner of Police shall take all interim measures that are necessary to withdraw the explosive from the market or prohibit its being placed on the market or its freedom of movement. Any measures taken pursuant to sub-regulation (1) shall be communicated to both the Consumer and Industrial Goods Directorate and the Foodstuffs, Chemicals and Cosmetics Directorate of the Malta Standards Authority.

Withdrawal and prohibition from market.

**9.** (1) Explosives covered by these regulations may be transferred between Malta and Member States of the European Community only in accordance with the following provisions :-

Provisions governing the supervision of transfers of explosives.

(a) In the case of transfers of explosives from a Member State of the European Community to Malta, approval to transfer such explosives shall be obtained by the consignee from the Commissioner of Police. The Commissioner of Police shall verify that the consignee is legally authorized to acquire explosives and that he is in possession of the necessary licences or authorizations.

(b) (c) Where the Commissioner of Police approves a transfer from a Member State of the European Community to Malta, he shall issue to the consignee a document which includes all the information referred to in paragraph (d) of this sub-regulation. Such a document must accompany the explosives until they arrive at their stated destination. It must be produced at the request of any relevant competent authorities. A copy of this document shall be retained by the consignee who shall present it for examination by the Commissioner of Police, at the latter's request. Without prejudice to the provisions of paragraph (d) of this sub-regulation, paragraphs (a) and (b) thereof shall also apply to transfers of explosives within Malta.

(d) Where the Commissioner of Police considers that special security requirements such as those referred to in paragraph (b) hereof are unnecessary, explosives can be transferred within Malta on their territory or part thereof without prior provision of information within the meaning of paragraph (e) hereof. The Commissioner of Police shall then grant an approval for a fixed period and liable to suspension or withdrawal at any time on the basis of a reasoned justification. The document referred to in paragraph (b) hereof which must accompany the explosives until they arrive at their destination, shall refer solely to the abovementioned approval.

(e)(i)(ii)(iii)(iv)(v)(vi)(vii) Where transfers of explosives must be specially supervised in order to comply with special security requirements, prior to the transfer the following information shall be provided by the consignee to the Commissioner of Police: the names and addresses of the operators concerned; this information must be detailed enough to enable the operators to be contacted and confirmation to be obtained that the persons in question are legally entitled to receive the consignment, the number and quantity of the explosives being transferred, a full description of the explosive in question and of the means of identification, including the United Nations identification number, where the explosives are to be placed on the market, information on compliance with conditions for placing on the market, the means of transfer and the itinerary, the expected dates of departure and arrival, where necessary, the precise points of entry to and exit from Malta and/or any Member States of the European Community. The Commissioner of Police shall examine the conditions under which the transfer may take place, with particular regard to the special security requirements. If the special security requirements are satisfied, approval for the transfer shall be granted. In the event of transit through the territory of other

States forming part of the European Community, the consignee must obtain the necessary authorizations for the transfer through those States in accordance with the provisions of paragraphs (a) to (d) hereof.

(f) No supplier may transfer explosives to a consignee within Malta or the European Community unless the consignee has obtained the necessary authorizations for the transfer in accordance with the provisions of paragraphs (a) to (d) hereof.

(2) The provisions of sub-regulation (1) shall also apply to the transfer of explosives from third countries to Malta. In such cases, the consignee must also be in possession of a valid importation licence issued by the Department of Trade.

**10.** (1) Ammunition may be transferred within Malta and between Malta and Member States of the European Community only in accordance with the procedure laid down in the following regulations. These provisions shall also apply to transfers under mail-order sales:

Transfer of  
Ammunition

(a)(i)(ii)(iii)(iv)(v)(vi) Where ammunition is to be transferred from Malta to a consignee in Malta or a Member State of the European Community, the person concerned shall, before any dispatch, communicate to the Commissioner of Police: the names and addresses of the person selling or transferring the ammunition, of the person purchasing or acquiring the ammunition and, where appropriate, of the owner, the address to which the ammunition is to be consigned or transported, the quantity of ammunition to be consigned or transported, data making it possible to identify the ammunition and also an indication that the ammunition has undergone a check in accordance with the Convention of 1<sup>st</sup> July 1969 on the Reciprocal Recognition of Proofmarks on Small Arms, the means of transfer, the date of departure and the estimated date of arrival. The information referred to in sub-paragraphs (v) and (vi) need not be supplied in the event of a transfer between dealers. The Commissioner of Police shall examine the conditions under which the transfer is to be carried out, in particular with regard to security. When such a transfer is authorized the Commissioner of Police shall issue a licence incorporating all the particulars referred to in sub-paragraph (i). That licence shall accompany the ammunition until it reaches its destination; it shall be produced whenever so required by the competent authorities of that country.

(b) Dealers may be granted the right to effect transfers of ammunition from Malta to a dealer established in a Member State

of the European Community without the prior authorization referred to in paragraph (1)(a) of this regulation. To that end the Commissioner of Police may issue an authorization valid for three years which may at any time be suspended or cancelled by reasoned decision. A document referring to that authorization must accompany the ammunition until it reaches its destination. It must be produced whenever so required by the relevant competent authorities. Before effecting the transfer, the dealer shall communicate to the Commissioner of Police all the particulars listed in sub-paragraph (1)(a)(i) of this regulation.

(2) The provisions of sub-regulation (1) shall also apply to the transfer of ammunition from third countries to Malta. In such cases, the consignee must also be in possession of a valid importation licence issued by the Department of Trade.

(3) By derogation from sub-regulation 9(1) paragraphs (b) to (e) and regulations 9(2), 10(1) and 10(2), the Commissioner of Police may, in case of grave threats to, or attacks upon, public security through the illicit possession or use of explosives covered by these regulations, take all necessary measures concerning transfers of explosives or ammunition in order to prevent such illicit possession or use. These measures shall respect the principle of proportionality. They must constitute neither a means of arbitrary discrimination nor a veiled restriction in trade between countries.

Reference to  
Product Safety Act,  
2001 (Act V of  
2001).

**11.** Explosives, as defined by these regulations, and with the exception of the exclusions mentioned in regulation 2(2), shall fall within the scope of the duties of the Director of Market Surveillance, as defined in article 27 of the Product Safety Act, 2001.

## Schedule I

### ESSENTIAL SAFETY REQUIREMENTS

#### I. General Requirements.

1. Each explosive must be designed, manufactured and supplied in such a way as to present a minimal risk to the safety of human life and health, and to prevent damage to property and the environment under normal, foreseeable conditions, in particular as regards the safety rules and standard practices including until such time as it is used.

2. Each explosive must attain the performance characteristics specified by the manufacturer in order to ensure maximum safety and reliability.

3. Each explosive must be designed and manufactured in such a way that when appropriate techniques are employed it can be disposed of in a manner which minimizes effects on the environment.

#### II. Special requirements.

1. As a minimum, the following information and properties - where appropriate - must be considered. Each explosive should be tested under realistic conditions. If this is not possible in a laboratory, the tests should be carried out in the conditions in which the explosive is to be used.

(a) Construction and characteristic properties, including chemical composition, degree of blending and, where appropriate, dimensions and grain size distribution.

(b) The physical and chemical stability of the explosive in all environmental conditions to which it may be exposed.

(c) Sensitiveness to impact and friction.

(d) Compatibility of all components as regards their physical and chemical stability.

(e) The chemical purity of the explosive.

(f) Resistance of the explosive against influence of water where it is intended to be used in humid or wet conditions and where its safety or reliability may be adversely affected by water.

(g) Resistance to low and high temperatures, where the explosive is intended to be kept or used at such temperatures and its safety or reliability may

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be adversely affected by cooling or heating of a component or of the explosive as a whole.

(h) The suitability of the explosive for use in hazardous environments (e.g. environment endangered by firedamp, hot masses, etc.) if it is intended to be used under such conditions.

(i) Safety features intended to prevent untimely or inadvertent initiation or ignition.

(j) The correct loading and functioning of the explosive when used for its intended purpose.

(k) Suitable instructions and, where necessary, markings in respect of safe handling, storage, use and disposal in Maltese and/or English.

(l) The ability of the explosive, its covering or other components to withstand deterioration during storage until the 'use by' date specified by the manufacturer.

(m) Specification of all devices and accessories needed for reliable and safe functioning of the explosive.

2. The various groups of explosives must at least also comply with the following requirements:

A. Blasting explosives

(a) The proposed method of initiation must ensure safe, reliable and complete detonation or deflagration as appropriate, of the blasting explosive. In the particular case of black powder, it is the capacity as regards deflagration which shall be checked.

(b) Blasting explosives in cartridge form must transmit the detonation safely and reliably from one end of the train of cartridges to the other.

(c) The gases produced by blasting explosives intended for underground use may contain carbon monoxide, nitrous gases, other gases, vapours or airborne solid residues only in quantities which do not impair health under normal operating conditions.

B. Detonating cords, safety fuses, igniter cords and shock tubes

(a) The covering of detonating cords, safety fuses and igniter cords must be of adequate mechanical strength and adequately protect the explosive filling when exposed to normal mechanical stress.

(b) The parameters for the burning times of safety fuses must be indicated and must be reliably met.

(c) Detonating cords must be capable of being reliably initiated, be of sufficient initiation capability and comply with requirements as regards storage even in particular climatic conditions.

C. Detonators (including delay detonators) and relays

(a) Detonators must reliably initiate the detonation of the blasting explosives which are intended to be used with them under all foreseeable conditions of use.

(b) Relays must be capable of being reliably initiated.

(c) The initiation capability must not be adversely affected by humidity.

(d) The delay times of delay detonators must be sufficiently uniform to ensure that the probability of overlapping of the delay times of adjacent time steps is insignificant.

(e) The electrical characteristics of electric detonators must be indicated on the packaging (e.g. no-fire current, resistance, etc.).

(f) The wires of electric detonators must be of sufficient insulation and mechanical strength including the solidity of the link to the detonator, taking account of their intended use.

D. Propellants and rocket propellants

(a) These materials must not detonate when used for their intended purpose.

(b) Propellants where necessary (e.g. those based on nitrocellulose) must be stabilized against decomposition.

(c) Solid rocket propellants, when in compressed or cast form, must not contain any unintentional fissures or gas bubbles which dangerously affect their functioning.

## **Schedule II**

### **1. MODULE B: EC type-examination**

1. This module describes that part of the procedure by which a notified body ascertains and attests that an example, representative of the production envisaged, meets the relevant provisions of the Regulations.

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2. The application for EC type-examination is lodged by the manufacturer or his authorized representative with a notified body of his choice.

The application must include:

- the name and address of the manufacturer and, if the application is lodged by the authorized representative, the name and address in addition,
- a written declaration that the same application has not been lodged with any other notified body,
- the technical documents, as described in Section 3.

The applicant must place at the disposal of the notified body an example representative of the production envisaged, hereinafter called 'type'. The notified body may request further examples if needed for carrying out the test programme.

3. The technical documents must enable the conformity of the appliance with the requirements of the Regulations to be assessed. They must, as far as is relevant for such assessment, cover the design, manufacture and operation of the appliance and contain as far as is relevant for assessment:

- a general type-description,
- conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
- descriptions and explanations necessary for the understanding of the drawings and diagrams and the operation of the product,
- a list of the standards referred to in regulation 4(2) of these regulations, applied in full or in part, and descriptions of the of the solutions adopted to meet the essential requirements of these Regulations,
- results of design calculations made, examinations carried out, etc.,
- test reports.

4. The notified body must:

4.1. examine the technical documents, verify that the type has been manufactured in conformity with those documents and identify the elements which have been designed in accordance with the relevant provisions of the standards referred to in regulation 4(2) of these regulations as well as the components which have been designed without applying the relevant provisions of those standards;

4.2. perform or have performed the appropriate examinations and necessary tests to check whether, where the standards referred to in regulation 4(2) of these regulations have not been applied, the solutions adopted by the manufacturer meet the essential requirements of the regulations;

4.3. perform or have performed the appropriate examinations and necessary tests to check whether, where the manufacturer has chosen to apply the relevant standards, these have actually been applied;

4.4. agree with the applicant the location where the examinations and necessary tests are to be carried out.

5. Where the type meets the relevant provisions of these regulations, the notified body issues an EC type-examination certificate to the applicant. The certificate contains the name and address of the manufacturer, the conclusion of the examination and necessary data for identification of the approved type.

A list of the relevant parts of the technical documents is annexed to the certificate and a copy kept by the notified body.

If the manufacturer or his authorized representative is refused a type certificate, the notified body must provide detailed reasons for such refusal.

Provision must be made for an appeals procedure.

6. The applicant informs the notified body that holds the technical documents concerning the EC type-examination certificate of all modifications to the approved appliance which must receive additional approval where such changes may affect the conformity with the essential requirements or the prescribed conditions for use of the product. This additional approval is given in the form of an addition to the original EC type-examination certificate.

7. Each notified body must communicate to the other notified bodies the relevant information concerning the EC type-examination certificates and additions issued and withdrawn.

8. The other notified bodies may receive copies of the EC type-examination certificates and/or their additions. The Annexes to the certificates must be kept at the disposal of the other notified bodies.

9. The manufacturer or his authorized representative must keep with the technical documents copies of EC type-examination certificates and their additions for a period of at least 10 years after the last date of manufacture of the product concerned.

2. MODULE C: Conformity to type

1. This module describes that part of the procedure whereby the manufacturer or his authorized representative ensures and declares that the explosives concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of these Regulations that apply to them. The manufacturer must affix the CE mark to each explosive and draw up a written declaration of conformity.

2. The manufacturer must take all measures necessary to ensure that the manufacturing process assures the conformity of the manufactured product with the type as described in the EC type-examination certificate with the essential safety requirements of the regulations.

3. The manufacturer or his authorized representative must keep a copy of the declaration of conformity for a period of at least 10 years after the last date of manufacture of the product concerned.

4. A notified body chosen by the manufacturer must perform or have performed examinations of the product at random intervals. A suitable sample of the finished products, taken on the spot by the notified body, is examined and appropriate test, defined in the applicable standard or standards referred to in regulation 4(2) of these regulations or equivalent tests are carried out to check the conformity of the product with the requirements of the corresponding regulations. In the event of one or more samples of the products examined not conforming, the notified body must take the appropriate measures.

Under the responsibility of the notified body the manufacturer shall affix the identification symbol of that body during the manufacturing process.

3. MODULE D: Production quality assurance

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of Section 2 ensures and declares that the explosives concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of these regulations. The manufacturer affixes the CE mark to each explosive and draws up a written declaration of conformity. The CE mark is accompanied by the identification symbol of the notified body responsible for the checks referred to in Section 4.

2. The manufacturer must operate an approved quality system for production, final product inspection and testing as specified in Section 3. He is subject to the checks referred to in Section 4.

3. Quality system

3.1. The manufacturer lodges an application for assessment of his quality system with a notified body of his choice, for the explosives concerned.

The application must include:

- all relevant information for the explosive category envisaged,
- the documents concerning the quality system,
- the technical documents pertaining to the approved type and a copy of the EC type examination certificate.

3.2. The quality system must ensure conformity of explosives with the type as described in the EC type-examination certificate and with the requirements of these regulations that apply to them.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documents must permit a consistent interpretation of the quality programmes, plans, manuals and quality records.

It must contain in particular an adequate description of:

- the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the quality of the explosives,
- the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,
- the means of monitoring the achievement of the required quality of explosive and the effective operation of the quality system.

3.3. The notified body must assess the quality system to determine whether it satisfies the requirements referred to in 3.2. It must presume conformity with those requirements in respect of quality systems that implement the relevant harmonized standard. The auditing team must have at least one member with experience of assessing the relevant product technology. The assessment procedure includes an inspection visit to the manufacturer's premises.

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The decision is notified to the manufacturer. The notification must contain the conclusions of the examination and the duly substantiated assessment decision.

3.4. The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and maintain it at an adequate and efficient level.

The manufacturer or his authorized representative must keep the notified body that has approved the quality system informed of any proposed change in the quality system.

The notified body must assess the changes proposed and decide whether the altered quality system will still satisfy the requirements referred to in 3.2 or whether reassessment is required.

It must notify the manufacturer of its decision. The notification must contain the conclusions of the examination and the substantiated assessment decision.

#### 4. Monitoring under the responsibility of the notified body

4.1 The purpose of monitoring is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2 The manufacturer must allow the notified body access for inspection purposes to the manufacturing, inspection, testing and storage premises and provide it with all necessary information, in particular:

- the quality system documents,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

4.3. The notified body must periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and provides an audit report to the manufacturer.

4.4. Additionally the notified body may pay unannounced visits to the manufacturer. During such visits the notified body may carry out tests or have them carried out to verify that the quality system is functioning correctly; if necessary, the notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer must, for a period of at least 10 years after the last date of manufacture of the product, keep at the disposal of the national authorities:

- the document referred to in the second indent of 3.1,

- the updating referred to in second paragraph of 3.4,

- the decisions and reports form the notified body which are referred to in the final paragraph of 3.4, and in 4.3 and 4.4.

6. Each notified body must give the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

#### 4. MODULE E: Product quality assurance

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of Section 2 ensures and declares that the explosives are in conformity with the type as described in the EC type-examination certificate. The manufacturer must affix the CE mark to each explosive and draw up a written declaration of conformity. The CE mark must be accompanied by the identification symbol of the notified body responsible for the checks referred to in Section 4.

2. The manufacturer must operate an approved quality system for final explosive inspection and testing as specified in Section 3. He must be subject to the checks referred to in Section 4.

#### 3. Quality system

3.1. The manufacturer lodges an application with a notified body of his choice for the assessment of the quality system for his explosives.

The application must include:

- all relevant information for the explosive category envisaged,
- the quality system's documentation,
- the technical documents pertaining to the approved type and a copy of the EC type-examination certificate.

3.2. Under the quality system, each explosive is examined and appropriate tests as defined in the relevant standard(s) referred to in regulation 4(2) of these regulations or equivalent tests are carried out in order to verify its conformity with the relevant requirements of the regulations. All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation must enable the quality programmes, plans, manuals and records to be interpreted in a uniform manner.

It must in particular contain an adequate description of:

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- the quality objectives and the organizational structure, responsibilities and powers of the management with regard to product quality,
- the examination and tests that will be carried out after manufacture,
- the means of monitoring the effective operation of the quality system,
- quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

3.3. The notified body must assess the quality system to determine whether it satisfies the requirements referred to in 3.2. It must presume conformity with these requirements in respect of quality systems that implement the relevant harmonized standard.

The auditing team must have at least one member with experience of assessing the relevant product technology. The assessment procedure must include an inspection visit to the manufacturer's premises.

The manufacturer must be notified of the decision. The notification must contain the conclusions of the examination and the substantiated assessment decision.

3.4. The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and maintain it at an adequate and efficient level.

The manufacturer or his authorized representative must keep the notified body which has approved the quality system informed of any proposed change in the quality system.

The notified body must assess the changes proposed and decide whether the altered quality system will still satisfy the requirements referred to in 3.2 or whether a reassessment is required.

It must notify the manufacturer of its decision. The notification must contain the conclusions of the examination and the substantiated assessment decision.

4.1. The purpose of monitoring is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer must allow the notified body access for inspection purposes to the inspection, testing and storage premises and provide it with all necessary information, in particular:

- the quality system documentation,

- the technical documents,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

4.3. The notified body must periodically carry out audits to ensure that the manufacturer maintains and applies the quality system and must provide an audit report to the manufacturer.

4.4. Additionally, the notified body may pay unannounced visits to the manufacturer. During such visits the notified body may carry out tests or have them carried out to verify that the quality system is functioning correctly; if necessary, the notified body must provide the manufacturer with a visit report and, if a test has been carried out, with a test reports.

5. The manufacturer must for a period of at least 10 years after the last date of manufacture of the product keep at the disposal of the national authorities:

- the documents referred to in the second indent of 3.1,
- the changes referred to in the second paragraph of 3.4,
- the decisions and reports from the notified body which are referred to in the final paragraph of 3.4, and in 4.3 and 4.4.

6. Each notified body must forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

## 5. MODULE F: Product verification

1. This module describes the procedure whereby a manufacturer or his authorized representative checks and attests that the explosives subject to the provisions of 3 are in conformity with the type as described in the EC type-examination certificate and satisfy the relevant requirements of the Regulations.

2. The manufacturer shall take all measures necessary in order that the manufacturing process ensures conformity of the explosives with the type as described in the EC type-examination certificate and with the requirements of the regulations that apply to them. He shall affix the CE mark to each explosive and shall draw up a declaration of conformity.

3. The notified body shall carry out the appropriate examinations and tests in order to check the conformity of the explosive with the relevant requirements of the regulations by examination and testing of every explosive as specified in 4.

The manufacturer or his authorized representative shall keep a copy of the declaration of conformity for a period ending at least 10 years after the last explosive has been manufactured.

4. Verification by examination and testing of every explosive

4.1. All explosives shall be individually examined and appropriate tests as set out in the relevant standard(s) referred to in regulation 4(2) of these regulations or equivalent tests shall be carried out in order to verify their conformity with the relevant type and requirements of the regulations.

4.2. The notified body shall affix or cause to be affixed, its identification symbol to each approved explosive and draw up a written certificate of conformity relating to the tests carried out.

4.3. The manufacturer or his authorized representative shall ensure that he is able to supply the notified body's certificates of conformity on request.

6. MODULE G: Unit verification

1. This module describes the procedure whereby the manufacturer ensures and declares that the explosive which has been issued with the certificate referred to in Section 2 conforms to the relevant requirements of the Regulations. The manufacturer must affix the CE mark to the explosive and draw up a declaration of conformity.

2. The notified body must examine the explosive and carry out the appropriate tests as set out in the relevant standard(s) referred to in regulation 4(2) of these regulations, or equivalent tests, to ensure its conformity with the relevant requirements of the regulations.

The notified body must affix, or cause to be affixed, its identification symbol on the approved explosive and draw up a certificate of conformity concerning the tests carried out.

3. The aim of the technical documents is to enable conformity with the requirements of the regulations to be assessed and the design, manufacture and operation of the explosive to be understood.

The documents must contain, in so far as is necessary for the assessment:

- a general description of the type,
- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.,

- descriptions and explanations necessary for the understanding of the said drawings and schemes and the operation of the explosive or protection system,
- a list of the standards referred to in regulation 4(2) of these regulations, applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements of the regulations where the standards referred to in regulation 4(2) of these regulations have not been applied,
- results of design calculations made, examinations carried out, etc.,
- test reports.

### **Schedule III**

#### **MINIMUM CRITERIA TO BE TAKEN INTO ACCOUNT BY MEMBER STATES FOR THE NOTIFICATION OF BODIES**

1. The body, its director and the staff responsible for carrying out the verification tests shall not be the designer, manufacturer, supplier or installer of explosives which they inspect, nor the authorized representative of any of these parties. They shall not become either involved directly or as authorized representatives in the design, construction, marketing or maintenance of such explosives. This does not preclude the possibility of exchanges of technical information between the manufacturer and the body.
2. The body and its staff shall carry out the verification tests with the highest degree of professional integrity and technical competence and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of the inspection, especially from persons or groups of persons with an interest in the result of verifications.
3. The body shall have at its disposal the necessary staff and possess the necessary facilities to enable it to perform properly the administrative and technical tasks connected with verification; it shall also have access to the equipment required for special verification.
4. The staff responsible for inspection shall have:
  - sound technical and professional training,
  - satisfactory knowledge of the requirements of the tests they carry out and adequate experience of such tests,
  - the ability to draw up the certificates, records and reports required to authenticate the performance of the tests.

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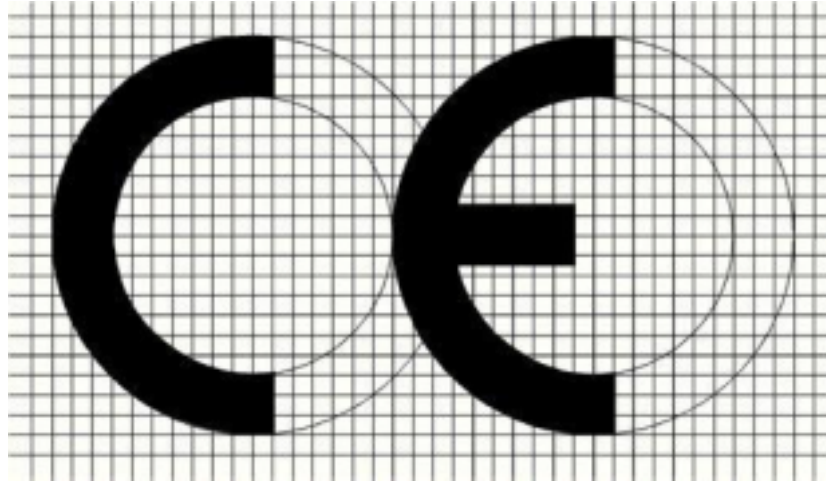
5. The impartiality of inspection staff shall be guaranteed. Their remuneration shall not depend on the number of tests carried out or on the results of such tests.

6. The body shall take out civil liability insurance unless its liability is assumed by the State in accordance with national law, or the State itself is directly responsible for the tests.

7. The staff of the body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks (except vis-à-vis the competent administrative authorities of the State in which its activities are carried out) under these regulations or any provision of national law giving effect to it.

**Schedule IV**

CONFORMITY MARKING The CE conformity marking shall consist of the initials 'CE' taking the following form:



If the marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

