



Notification Number: 2014/23/UK

## The Explosives Regulations 2014

Date received : 15/01/2014

End of Standstill : 16/04/2014

### Message

Message 001

Communication from the Commission - TRIS/(2014) 00097

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2014/0023/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201400097.EN)

#### 1. Structured Information Line

MSG 001 IND 2014 0023 UK EN 15-01-2014 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
European Reform Directorate  
1 Victoria Street, London, SW1H 0ET.

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#### 3. Originating Department

Health & Safety Executive, Hazardous Installations Directorate, Hazardous Installations Policy Division,  
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#### 4. Notification Number

2014/0023/UK - C10C

#### 5. Title

The Explosives Regulations 2014

#### 6. Products Concerned

Great Britain is consolidating existing explosives legislation in response to Professor Ragnar Löfstedt's recommendation in his review of health and safety legislation 'Reclaiming health and safety for all: an independent review of health and safety regulation' that HSE undertakes a programme of sector-specific consolidations to be completed by April 2015. The intention is for the legislative amendments giving effect to any changes to be commenced by the end of 2014.

The aim of the consolidation is to modernise and simplify the legislation, and bring it together into one set of Regulations covering all the relevant explosives related legal requirements.

The Marking of Plastic Explosives for Detection Regulations 1996 (MPEDR 1996)(S.I. 1996/890) implement the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection ("the Montreal Convention") within Great Britain and, to the extent that those Regulations concern importation, Northern Ireland too. MPEDR 1996 is one of the sets of Regulations included within the consolidation exercise. The Montreal Convention requires each State Party to take necessary and effective measures to prohibit and prevent the manufacture and movement into or out of its territory of unmarked plastic explosives and includes provisions on the control over possession of unmarked explosives.

#### 7. Notification Under Another Act

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#### 8. Main Content

The Montreal Convention requires plastic explosive to be marked with a detection agent so as to make the plastic explosive detectable. The minimum concentration of detection agent in the finished product at the time of manufacture is set by the Convention, as are the detection agents to be used.

The relevant provisions from MPEDR 1996 have been incorporated within the Explosives Regulations 2014 (ER 2014). Draft regulation 36 sets out the prohibitions relating to unmarked plastic explosives and draft Schedule 8 includes the detection agents and the levels of their concentration. That Schedule also includes related definitions for these purposes. Also added are relevant definitions from draft regulation 2(1) and (4) of ER 2014, which apply generally for the provisions of the ER, as well as being relevant to the provisions for marking plastic explosive - specifically, the definitions for an "explosive", "explosive article", "explosive substance", "manufacture" and "quantity".

#### 9. Brief Statement of Grounds

The provisions being notified form part of a consolidation exercise and reflect existing provisions which were drafted for implementing the United Kingdom's obligations under the Montreal Convention. The Montreal Convention is an international agreement. It has been amended twice, once in 2002 and then in 2005, without any objections. The provisions being notified concern the marking of plastic explosives. The provisions include



changes for the two amendments to the Montreal Convention, which omitted one detection agent (o-MNT) and increased the minimum concentration of another (DMNB). The requirement as to the concentration of detection agent for marking plastic explosives is to be linked in the consolidating Regulations to the time of their manufacture, which is in line with the existing provisions of the Montreal Convention. Other than those changes, no substantive changes are being proposed to the equivalent existing requirements which were contained in MPEDR 1996. Some of the provisions of those Regulations are however no longer needed, as their transitional purpose is now over.

Marking requirements generally would be in scope of notification under the Technical Standards Directive (98/34/EC)). As the Montreal Convention is an international agreement binding on the United Kingdom as well as other States (it has, we understand, been ratified by all 27 EU Member States, and Croatia as from 1 July 2013), there may be some uncertainty as to whether notification is needed in this case (by virtue of Article 10 of the Technical Standards Directive (98/34/EC)). It is noted that 4 Member States have already notified their implementing provisions for the Montreal Convention. In the circumstances, notification is being undertaken.

The aim of the consolidation is to modernise and simplify the legislation.

#### **10. Reference Documents - Basic Texts**

No Basic Text exists

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

No substantive changes have been made to the provisions previously contained in MPEDR 1996, therefore no costs to business have been identified in relation to the incorporation of these provisions into ER 2014.

#### **16. TBT and SPS aspects**

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure



**EUROPEAN COMMISSION**  
GROWTH DIRECTORATE-GENERAL

**Single Market for goods**  
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European Commission

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