What an economic operator must do if they consider a civil explosive is not in conformity

There are specific requirements on economic operators depending on their role in the supply chain when they consider a civil explosive is not in conformity.

Manufacturer

- If a manufacturer considers that a civil explosive on the market is not in conformity, they must immediately:
  - Take measures to bring the civil explosive into conformity or
  - Recall it, or
  - Withdraw it
- If a manufacturer considers a civil explosive presents a “risk” they must immediately inform the market surveillance authority (MSA) and the competent national authorities of any other Member States where they have made the explosive available of that risk and any appropriate corrective measures.

Authorised Representatives, acting under written mandate from the manufacturer, must:

Cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by civil explosives covered by the mandate.

Importer

- Before placing a civil explosive on the market, if an importer considers that an explosive is not in conformity, they must not place the civil explosive on the market until it is brought into conformity.
- If an importer considers a civil explosive presents a “risk” they must immediately inform the manufacturer, market surveillance authority and the competent national authorities of any other member states where they have made the explosive available, of that risk and any corrective measures taken.
- If an importer considers a civil explosive, already on the market, is not in conformity, they must:
  - Bring the civil explosive into conformity, or
  - Recall it, or
  - Withdraw it.
• If an importer considers a civil explosive already on the market presents a ‘risk’ they must immediately inform the relevant competent national authorities giving details of that risk and any corrective measures taken.

Please note, importers are considered to have the duties of ‘manufacturers’ if they place a civil explosive on the market under their own trademark or modify a civil explosive already on the market.

Distributor

• If before making a civil explosive available on the market, a Distributor considers that it is not in conformity, they must not make the civil explosive available on the market until it is brought into conformity
• If a Distributor considers that a civil explosive presents a ‘risk’ they need to inform the Manufacturer or Importer and the MSA
• If a Distributor considers a civil explosive they have already made available on the market is not in conformity, they must:
  • Ensure the civil explosive is brought into conformity or
  • Recall it, or
  • Withdraw it.
• If a Distributor considers a civil explosive they have already made available on the market presents a ‘risk’ they must immediately inform the competent national authorities of the member states in which they made the civil explosive available on the market, giving details of that risk and any corrective measures taken.

Please note distributors are considered to have the duties of ‘manufacturers’ if they place a civil explosive on the market under their own trademark or modify a civil explosive already on the market.

In GB the competent national authority and market surveillance authority (MSA) for civil explosives, is HSE.