

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 1 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
01	ENB co-operation	One meeting per year would probably be sufficient.	1 st point 2		Information
02	CE-marking	The granting of the CE-marking necessitates the application of the Directive.	1 st point 2 Q1		Information
03	CE-marking	The acceptance of already approved products would depend on the notified bodies as well as the national surveillance authorities and their willingness to accept tests already carried out and approvals already granted before the entry into force of the directive.	1 st point 2 Q2		Superseded
04	CE-marking	Explosives produced in limited series have to comply with the requirements of the directive.	1 st point 2 Q3		Current
05	Test methods	All NBs should prepare comparative lists of used standardised national test methods against the different essential safety requirements of 93/15/EEC. These test methods are used nationally until the harmonised CEN-standards can be used.	2 nd point 4		Superseded
06	Certificates	No expiration date for EC type examination certificates.	3 rd point 4		Current
07	Marking	National marking of explosives, in addition to CE mark could remain necessary.	3 rd point 10		Current
08	Certificates	The language of the certificates will be the member state language of the NB with an unofficial translation by the manufacturer or the applicant.	3 rd point 5		Current

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 2 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
09	Certificates	<p>The certificate must confirm that the products fulfil the essential safety requirements.</p> <p>A description of the product must be given in the certificate.</p> <p>The certificate must include sufficient information for the authorities to define its use.</p> <p>The certificate consists of three parts:</p> <ul style="list-style-type: none"> • certificate itself, which includes a reference to an Annex, • annex with most of the characteristics of the explosive. The annex has references to other relevant documentation, like test file identification, drawings etc., • other relevant documentation. <p>In principle the certificate (first page) is public domain. The Annex and other relevant documentation are confidential. NBs other than the one that issues the certificate may obtain that information if they need it.</p> <p>Among the relevant documentation may be the instruction for use.</p> <p>The NBs must verify that the instructions for use include all the topics that are stated in EN standard (EN 13 857-3).</p>	5 th point 6		Current

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 3 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
10	Certificates	The definition of the product must be in the certificate.	5 th point 8		Current
11	Certification	Tolerances must be tackled case by case. Changes in the definition of the product must be declared by the manufacturer. The NB has to assess those characteristics that may be affected by the change, before issuing a new certificate or a new annex.	5 th point 8		Current
12	Modules	Module C is mandatory for manufacturers not having a quality system approved against ISO 9000-series or equivalent specifications.	5 th point 9		Current
13	Marking	Additional marking is defined by national authorities.	5 th point 12		Current
14	ENB co-operation	No permanent chairman and secretary at this point.	6 th point 5.2		Current
15	Approval lists	It was agreed that information via Internet would replace the circulation of certificates.	6 th point 5.2		Current
16	Approval lists	The list on Internet shall be entitled “List of EC Type Examination Certificates Awarded” and it shall contain, the type of explosive reflecting the product category of the directive (propellant, detonator etc.) and the list should include the manufacturer as this could be different from the applicant.	6 th point 7.1		Current
17	Certificates	Non-explosives component should not be included on the certificate.	6 th point 7.3		Current
18	Approval lists	The name of the manufacturer must be included in the list of issued	7 th point 7		Current -

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 4 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
		certificates.			see No 16
19	Certificates	The layout of the annex shall not be harmonized. Necessary information related to the certificate must be made available in one way or the other.	7 th point 8		Current
20	ENB co-operation	When interpretations are needed they should either be sent as an urgent enquiry to the Forum members or the matter should be raised in the next Forum.	7 th point 9		Current
21	Certificates	The layout of the certificate is to be according to annex 7 of the 6 th meeting (appended). Title of the directive has to be placed on the certificate. A signature has to be placed on the certificate. A reference to sub module can be placed on the certificate. There is no need to standardise certificate number. No fixed content of the annex of the certificate will be decided.	8 th point 8		Current
22	Modules	Each NB is to decide how to deal with random sampling (module C).	8 th point 10		Current
23	Testing	The need for testing plastic substances regarding their resistance to fuel-oil was agreed upon in accordance with annex 5 of the 8 th meeting.	8 th point 13.2		Current

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 5 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
24	Certification	If a product does not comply with its specifications it is another product. It cannot be CE-marked unless the product specifications are changed and the procedure is approved.	8 th point 13.3		Current
25	Testing	On-site mixing must be tested in laboratory. Checking of truck, including accessories is a matter for the National Authorities.	9 th point 5		Current
26	ENB co-operation	In cases where one NB needs information from another NB, the involved manufacturer should be solely responsible for disseminating detailed information like test results.	10 th point 8		Current - wording changed 16 th meeting
27	Approval lists	The list of CE-marked products should be designed in an unambiguous way and other test results should not be included in the list.	10 th point 9		Current
28	Certification	If a combination of CE-marked products requires a new formulation of the data sheet or technical instruction a new safety check has to be performed and new CE-marking is required.	10 th point 10		Current
29	CE-marking	Placing on the marked means from one legal entity to another entity.	10 th point 10		Superseded
30	Certification	A maximum composition range for product families of explosives can not be given, but small composition ranges should be favoured.	10 th point 13a		Information
31	Approval lists	All NBs are to publish their issued EC-type certificates on their web sites and have links to the web sites of the other NBs.	10 th point 14		Current

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 6 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
32	On site mixed explosives	<p>Tests must be carried out to guarantee the safety, possible tests: sensitivity to friction, drop weight, thermal stability and reliability of initiation.</p> <p>The meaning of the CE-certification is to guarantee safety; the marking is of secondary importance</p> <ul style="list-style-type: none"> a copy of the certificate could be carried in the truck together with other papers demanded by the local authorities. <p>The manufacturing process has to be checked.</p> <p>The quality control of the manufacturing process is not covered by the directive.</p>	11 th point 9		See point No 49
33	Modules	<ul style="list-style-type: none"> If production is moved to another producer with the very same recipes, raw material and old names of products, the NB has to check according to module D if a different process is used. If production is moved to a new or to another factory of the same producer with the old names module B is valid and the NB has to accept the manufacturing process according to the module D. If the ownership of the factory is changed to another company, which is still producing the products with the very same recipes, raw material and old names the NB has to withdraw the old certificate and reissue it to the new owner. If the quality police of the company is changed, then a new acceptance of the manufacturing process according to module D is necessary. 	11 th point 11		Superseded

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 7 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
34	CE-marking	No need for marking of stored explosives when changing to a directive in full force.	11 th point 12		Superseded
35	On site mixed explosives	<p>Case 1: the manufacturer of the explosive is the blaster; there is no putting on the market.</p> <p>Case 2: the manufacturer of the explosive comes to the quarry and performs the blast (selling of a full service); there is no putting on the market.</p> <p>Case 3: the blaster is not the manufacturer and uses an on-site mixed explosive; there is putting on the market.</p>	12 th point 10	On site mixed explosives was a non-solved question at the meeting held on the 5 th of October 2006	See point No 49
36	Marking	If only one NB is involved in the approval process there is no need to change the used marking system. If there are two NBs it is up to these NBs to choose and share the markings.	12 th point 11		Current – see point 47
37	CE-marking	Products of class 1 will be covered by the directive even if they are not used for manufacturing explosive products.	12 th point 12		Current
38	Testing	Each NB is responsible for assessing technical results.	12 th point 12		Current
39	Modules	All plants mentioned in a certificate have to be audited and put in the certificate when module D is used.	12 th point 12		Current
40	Certification	A manufacturer based outside the EU can apply to a NB directly or use an	13 th point 13		Current

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 8 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
		authorised representative from within EU.			
41	Modules	No need to harmonise the handling of module D decision further than this; <ul style="list-style-type: none"> the decision shall be given in some way, a decision separate from the audit report is good in many cases. 	15 th point 6		Current
42	Certificates	Each NB has to decide whether a product not classified as a class 1 product according to the United Nations recommendations can be certified according to the directive 93/15/EEC.	15 th point 7		Current
43	Modules	The NB has to carry out audits by visiting the manufacturing to determine whether the manufacturer satisfies the requirements of the directive 93/15/EEC clause 3.2 even if the manufacturer has an ISO 9000 certification. It is up to the NB to determine frequency of the audits.	15 th point 7		Current
44	Approval lists	All NBs are to submit information to all other NBs when changing website addresses.	15 th point 13		Current
45	Modules	The Directive 93/15/EEC does not oblige the manufacturer to choose the same notified body that he had previously selected for the EC type-examination (module B) to carry out the subsequent conformity to type (module C) or production quality assurance (module D). No link is established between the manufacturer's choice of a notified body referred to in module C (Annex II part 2 point 4 first subparagraph) or in module D (Annex II part 3 point 3.1 first subparagraph) and the choice referred to in	From Commission after 15th		Current

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 9 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
		module B (Annex II part 1 point 2 first subparagraph) and, therefore, the manufacturer is free in this respect. ¹			
46	Certification	It is the manufacturer who is responsible for having placed a non-conforming product on the market. The notified bodies, however, assume responsibility for the certificates that they issued to the manufacturer. The manufacturer may therefore invoke their professional responsibility under the conditions usually provided for in a contract between the manufacturer and the notified body or under the general terms of the respective contract law. In any case the responsibility has to be assessed and determined on a case-by-case basis, depending on where the actual fault (non-compliance) was found. In general, each notified body should be responsible only for that part of the work that carried out. The notified body that performed EC type-examination should be responsible for the faults relating to the type, while the notified body which carries out the second phase of the conformity assessment procedure (module C, D, E or F) should be responsible for the faults linked to the production phase. In general, the notified body involved in the production phase should not be responsible for not having identified mistakes incurred during the EC	From Commission after 15th		Current

¹ Note: The only limitation incumbent on the manufacture is that according to Annex II part 1 (Module B) point 2 second subparagraph second indent the manufacturer can't lodge more than one application for EC type-examination for the same product.

² In module C (point 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 tests, defined in the applicable standard or standards referred to in Article 4 or equivalent tests are carried out to check the conformity of the product with the requirements of the corresponding Directive.

In module D (point 3.2. first subparagraph): The quality system must ensure conformity of explosives with the type as described in the EC type-examination certificate and with the requirements of this Directive that apply to them.

In module E (point 3.2. first subparagraph): Under the quality system, each explosive is examined and appropriate tests as defined in the relevant standard(s) referred to in Article 4 or equivalent tests are carried out in order to verify its conformity with the relevant requirements of the Directive.

In module F (point 3 first subparagraph): 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 Directive by examination and testing of every explosive as specified in 4.

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 10 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
		<p>type-examination. However, this may also depend on the gravity or evidence of the mistake in a particular case (eg in case of a serious and evident mistake both notified bodies involved might share the responsibility).</p> <p>When considering the responsibility in each particular case, attention must be also drawn to the fact whether the notified bodies complied with some other obligation laid down in the Directive, such as in Annex II part 1 point 7 of the Directive according to which each notified body that carries out EC type-examination “must communicate to the other notified bodies the relevant information concerning the EC type-examination certificates and additions issued and withdrawn” or in Annex II part 1 point 8 of the Directive under which “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.” On the other hand, for example, in each of the modules C, D, E or F the notified body must</p> <p>examine and verify – in the particular relevant way – the conformity of the product with the requirements of the Directive².</p>			
47	CE-marking	<p>The affixing of the CE marking is also primarily the manufacturer’s responsibility. However, when the CE marking appears on products with an identification number of a notified body, the notified body also assumes responsibility. The CE marking must be affixed at the end of the production phase. The CE marking shall only be followed by the identification number of the notified body if the notified body is involved in the production phase. Thus, the identification number of a notified body involved in conformity assessment according to module B does not follow the CE marking. It is therefore the notified body that carries out module C, D, E or F (and whose</p>	From Commission after 15 th		Current

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 11 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
		identification number figures on the product together with the CE marking) assumes responsibility. ³			
48	Certificates	<p>There are several aspects that need to be taken into account when considering the validity and the possibility of withdrawing certificates:</p> <ul style="list-style-type: none"> notified bodies are obliged to maintain themselves updated as far as the development of the state of the art is concerned; notified bodies allow manufacturers to make use of the certificates not only for the date when the certificate was issued; the manufacturer has the obligation to inform the notified body of all modifications where such changes may affect conformity with the essential requirements and where therefore a further approval is needed. This obligation is also part of the ongoing licence agreement between notified body and manufacturer; according to national civil law certification bodies usually have an obligation of due diligence vis-à-vis the validity of issued certificates. <p>On the basis of those aspects it can be concluded that though certificates are issued to the manufacturer at a given moment, notified bodies cannot deny their responsibility in time for those certificates. It is therefore necessary for the notified bodies to have the possibility to withdraw the certificate.</p>	From Commission after 15 th		Current

³ In module C see point 4 second subparagraph, in module D point 1 last sentence, in module E point 1 last sentence and in module F point 4.2. See also Annex part I. B (f) and (g) of Council Decision 93/465/EEC.

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 12 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
		<p>In the case of module B it is not correct to simply state that an EC type-examination certificate states compliance of a test sample with essential requirements only at a certain point of time and does not imply future compliance. On the contrary the notified bodies must inform the manufacturer that the certificate may not continue to be used because the originally certified type does no longer meet the provisions of the directive. According to point 7 of the text of the Directive relating to this module the notified body must communicate to the other notified bodies the relevant information concerning the EC type-examination certificates and additions issued and withdrawn.</p> <p>In the case of module D the Directive foresees in point 4.3 of the text relating to this module periodic audits carried out by the notified body and in point 4.4 unannounced visits to the manufacturer to make sure that the manufacturer maintains and applies the quality system and that the quality system is functioning correctly. In case of shortcomings when no corrective measures are taken by the manufacturer the certificate should be withdrawn. According to point 6 each notified body must then give the other notified bodies the relevant information concerning the quality system approvals withdrawn.</p> <p>In the case of module C the Directive foresees in point 4 of the text relating to this module examinations of products at random intervals. It states that “in the</p> <ul style="list-style-type: none"> • event of one or more samples of the products examined not conforming, the notified body must take the appropriate measures”. Such measures may include suspension of the notified body’s approval until the product is made compliant with the requirements of the Directive or withdrawal of such approval (including the withdrawal of the identification number of the notified body affixed on the product). 			

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 13 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13-meeting	Status
		In all cases it needs to be stressed that when a notified body finds that requirements of the Directive have not been met or are no longer met, it has to restrict, suspend or withdraw certificates, approvals or other relevant conformity assessment results, taking into account the principle of proportionality and the risk involved, unless compliance is ensured through the implementation of appropriate corrective measures.			
49	Approval lists	ENBs with inaccessible websites or with outdated information about CE certified explosives on their websites will inform the other ENBs about each completed CE certification per e-mail which will be sent to the contact addresses within two weeks from the certification completion.	16 th point 5		Current
50	Testing	Technical standards STANAG 4147, STANAG 4556 can, where necessary, amend the tests performed according to the harmonized standards. The use of these standards is optional.	16 th point 11		Current
51	On site mixed explosives	<ul style="list-style-type: none"> on-site mixed explosives, whether or not they are placed on the market, must comply with the general and relevant special essential safety requirements. Affixing the CE marking - if a company places an explosive on the market, this explosive has to be CE marked. The general and the relevant special essential safety requirements should in all cases also apply to explosives manufactured on site. These explosives should also be CE marked in most cases except the 'own use'. As far as the CE mark is concerned, Article 7.1 of the Explosives Directive gives the possibility to affix the CE mark 	16 th point 13 after Commission interpretation		Current

16th FORUM OF EXPLOSIVES NOTIFIED BODIES

Agreements between the Explosives Notified Bodies

Annex 7

Page 14 (14)

No	Subject	Clarification	Reference to ENB-meeting number	Article 13- meeting	Status
		on an identification plate. A practicable solution could therefore be to attach an identification plate to the mixing truck or to carry the relevant documentation on the mixing truck.			