L.N. 187 of 2009

EXPLOSIVES ORDINANCE
(CAP. 33)

Identification and Traceability of Explosives for Civil Uses Regulations, 2009

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 Identification and Traceability of Explosives for Civil Uses Regulations, 2009.

(2) These regulations implement the requirements of Directive 2008/43/EC of 4 April 2008 setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses.

(3) These regulations shall come into force on the 5 April 2012.

Scope.

2. (1) These regulations set up a harmonized system for the unique identification and traceability of explosives for civil uses.

(2) These regulations shall not apply to the following:

(a) explosives transported and delivered unpackaged or in pump trucks for their direct unloading into the blast-hole;

(b) explosives manufactured at the blasting sites, and that are loaded immediately after being produced (*in situ* production);

(c) ammunitions.

Definitions.

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

"Market Surveillance Directorate" means the Market Surveillance Directorate of the Malta Standards Authority as described in the Establishment of Directorates of the Malta Standards Authority Order; S.L. 419.03

"Regulatory Affairs Directorate" means the Regulatory Affairs Directorate of the Malta Standards Authority as described in the Establishment of Directorates of the Malta Standards Authority Order.

S.L. 419.03

Unique identification.

4.(1) (a) The Market Surveillance Directorate shall ensure that undertakings in the explosives sector which manufacture or import explosives or assemble detonators shall mark explosives and each smallest packaging unit with a unique identification.

(b) Where an explosive is subject to further manufacturing processes, manufacturers shall not be required to mark the explosive with a new unique identification unless the original unique identification is no longer marked in compliance with regulation 5.

(2) The provisions of sub-regulation (1) shall not apply where the explosive is manufactured for export and is marked with an identification in accordance with the requirements of the importing country, which allows traceability of the explosive.

(3) The unique identification shall comprise the components described in the Schedule.

(4) Each manufacturing site shall be attributed a three-digit code by the Regulatory Affairs Directorate.

(5) (a) Where explosives are manufactured outside the Community and are subsequently imported in Malta, the person importing such explosives shall contact the Regulatory Affairs Directorate in order for the manufacturing site to be attributed a code. This shall also apply to cases where a manufacturer established in the Community imports explosives in Malta from a manufacturing site outside the Community.

(b) Where the manufacturing site is located outside the Community and the manufacturer is not established in the Community, the importer of the explosives concerned shall contact the Regulatory Affairs Directorate in order for the manufacturing site to be attributed a code.

(6) The Market Surveillance Directorate shall ensure that distributors which repackage explosives ensure that the unique identification is affixed to the explosive and the smallest packaging unit.

Marking and affixation.

5. The unique identification shall be marked on or firmly affixed to the article concerned in a durable way and so as to ensure

that it is clearly legible.

6. For cartridged explosives and explosives in sacks, the unique identification shall consist of an adhesive label or direct printing on each cartridge or sack. An associated label shall be placed on each case of cartridges. In addition, undertakings may use a passive inert electronic tag attached to each cartridge or sack and similarly, an associated electronic tag for each case of cartridges. Cartridged explosives and explosives in sacks.

7. For packaged two-component explosives, the unique identification shall consist of an adhesive label or direct printing on each smallest packaging unit containing the two components. Two-component explosives.

8. For plain detonators or fuses, the unique identification shall consist of an adhesive label or direct printing or stamping on the detonator shell. An associated label shall be placed on each case of detonators or fuses. In addition, undertakings may use a passive inert electronic tag attached to each detonator or fuse, and an associated tag for each case of detonators or fuses. Plain detonators and fuses.

9. For electric, non-electric and electronic detonators, the unique identification shall consist either of an adhesive label on the wires or on the tube, or an adhesive label or direct printing or stamping on the detonator shell. An associated label shall be placed on each case of detonators. In addition, undertakings may use a passive inert electronic tag attached to each detonator, and an associated tag for each case of detonators. Electric, non-electric and electronic detonators.

10. For primers and boosters, the unique identification shall consist of an adhesive label or direct printing on the primer or booster. An associated label shall be placed on each case of primers or boosters. In addition, undertakings may use a passive inert electronic tag attached to each primer or booster, and an associated tag for each case of primers or boosters. Primers and boosters.

11. For detonating cords and safety fuses, the unique identification shall consist of an adhesive label or direct printing on the bobbin. The unique identification will be marked every five meters on either the external envelope of the cord or fuse or the plastic extruded inner layer immediately under the exterior fibre of the cord or fuse. An associated label shall be placed on each case of detonating cord or fuse. In addition, undertakings may use a passive inert electronic tag inserted within the cord, and an associated tag for each case of cord or fuse. Detonating cords and safety fuses.

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

may use a passive inert electronic tag attached to each can and drum.

Copies of the original label.

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

Data collection.

14. (1) The Market Surveillance Directorate shall ensure that undertakings in the explosives sector put in place a system for collecting data in relation to explosives including their unique identification throughout the supply chain and life cycle.

(2) The data collection system shall allow the undertakings to keep track of the explosives in such a way that those holding the explosives can be identified at any time.

(3) The Market Surveillance Directorate shall ensure that data collected, including the unique identifications, is kept and maintained for a period of at least ten years after the placing on the market of the explosive. This provision shall also apply after the end of the life cycle of the explosive, even if undertakings have ceased trading.

Obligations of undertakings.

15. The Market Surveillance Directorate shall ensure that the undertakings in the explosives sector fulfil the following requirements:

(a) keeping a record of all identifications of explosives, together with all pertinent information including the type of explosive, the company or person to the custody of whom it was given;

(b) recording the location of each explosive while the explosive is in their possession or custody until it is either transferred to another undertaking or used;

(c) at regular intervals testing their data collection system in order to ensure its effectiveness and the quality of the data recorded;

(d) keeping and maintaining the data collected including the unique identifications for the period specified in regulation 14(3):

Provided that the undertaking shall, in the case of explosives manufactured or imported before 5 April 2012, maintain records in accordance with existing national provisions;

(e) protecting the data collected against accidental or

malicious damage or destruction;

(f) providing the Market Surveillance Directorate, upon its request, with the information concerning the origin and location of each explosive during its life cycle and throughout the supply chain;

(g) providing the Market Surveillance Directorate with the name and contact details of a person able to provide the information described in paragraph (*f*) outside normal business hours.

SCHEDULE

[Regulation 4(3)]

The unique identification shall comprise:

1. A human readable part of the identification containing the following:

(a) the name of the manufacturer;

(b) an alphanumerical code containing:

(i) two letters identifying the Member State (place of production or import onto the Community market, e.g. MT = Malta, AT = Austria);

(ii) three digits identifying the name of the manufacturing site (attributed by the Regulatory Affairs Directorate);

(iii) the unique product code and logistical information designed by the manufacturer.

2. An electronic readable identification in barcode and/or matrix code format that relates directly to the alphanumerical identification code.

Example:

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

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) Valletta - *Published by the Department of Information - (doi.gov.mt) - Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata - *Printed at the Government Printing Press on recycled paper*

Prezz/*Price*
€0.56