

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 133 final - SYN 409

Brussels, 5 April 1993

Re-examined proposal for a

COUNCIL DIRECTIVE

**on the harmonization of the provisions relating to the placing on the market
and supervision of explosives for civil uses**

(presented by the Commission pursuant to Article 149.2(d)
of the EEC treaty)

EXPLANATORY MEMORANDUM

On 9 March 1993 the European Parliament amended the Council common position adopted on 16 December 1992 on the proposal referred to above.

In pursuance of Article 149(2)(d) of the EEC Treaty the Commission reexamined its proposal and decided to accept the three amendments adopted by the Parliament.

This proposal takes account of the amendments desired by the European Parliament which the Commission was able to accept.

These amendments are acceptable for the following reasons:

- the first two amendments would bring the wording of the proposal on explosives into line with that relating to the CE mark which has been submitted for adoption and which is horizontal in scope;
- the third amendment would include the reference to the advisory committee as proposed by the Commission in its original proposal.

REEXAMINED PROPOSAL FOR A COUNCIL DIRECTIVE

on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses

1. Article 6(2), first paragraph, should be amended as follows:

"Member States shall notify the Commission and the other Member States of the bodies which they have designated to carry out conformity assessment. For information purposes the Commission shall assign them identification numbers. The Commission shall publish in the Official Journal of the European Communities a list of the bodies of which it has been notified and the identification numbers assigned to them, and shall update it regularly.

2. Article 7(3) shall be amended as follows:

"(a) Without prejudice to the provisions of Article 8, should a Member State discover any unauthorized affixing of the CE mark, the manufacturer or his agent or the person responsible for placing the product in question on the Community market shall be obliged to restore the product to conformity and terminate the infringement under the conditions laid down by the Member State.

(b) If unauthorized affixing may have serious consequences for safety, or if non-conformity persists, the Member State shall take suitable measures to prohibit the placing on the market of the product concerned or ensure that it is withdrawn from the market in accordance with the procedures provided for in Article 8."

3. Article 13 shall be amended as follows:

"The Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States and chaired by a representative of the Commission.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be entered in the minutes; in addition each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account."

COM(93) 133 final

DOCUMENTS

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Catalogue number : CB-CO-93-158-EN-C

ISBN 92-77-54069-9
