



STATUTORY INSTRUMENTS.

S.I. No. 431 of 2024



EUROPEAN UNION (MAKING AVAILABLE ON THE MARKET AND
SUPERVISION OF EXPLOSIVES FOR CIVIL USES) (AMENDMENT)
REGULATIONS 2024

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EUROPEAN UNION (MAKING AVAILABLE ON THE MARKET AND SUPERVISION OF EXPLOSIVES FOR CIVIL USES) (AMENDMENT) REGULATIONS 2024

I, HELEN MCENTEE, Minister for Justice, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014¹ and full effect to Regulation (EU) 2019/1020 of 20 June 2019², in so far as it applies to explosives for civil uses that are subject to that Directive, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Making Available on the Market and Supervision of Explosives for Civil Uses) (Amendment) Regulations 2024.

2. The European Union (Making Available on the Market and Supervision of Explosives for Civil Uses) Regulations 2016 (S.I. No. 423 of 2016) are amended—

(a) in Regulation 2(1) -

(i) by the substitution of the following definition for the definition of “ EC Regulation”:

“ ‘ EC Regulation’ means Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008³ as amended by Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019²;”, and

(ii) by the insertion of the following definitions:

“‘information society service provider’ has the meaning it has in paragraph (14) of Article 3 of the Market Surveillance Regulation;

‘Market Surveillance Regulation’ means Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019²;

‘online interface’ has the meaning it has in paragraph (15) of Article 3 of the Market Surveillance Regulation;”

(b) by the insertion of the following Regulation after Regulation 10:

Obligation of information society service provider to cooperate

“10A. An information society service provider shall cooperate with the market surveillance authority, at the request of the

¹ OJ No. L 96, 29.3.2014, p.1

² OJ No. L 169, 25.6.2019, p.1

³ OJ No. L 218, 13.8.2008, p.30

market surveillance authority and in a specific case, to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by explosives that are or were offered for sale online through their services.”

- (c) in Regulation 38 -
- (i) in paragraph (4), by the substitution of “compliance with these Regulations and the Directive” for “that these Regulations and the Directive are being complied with”
 - (ii) by the insertion of the following paragraph after paragraph (4):

“(4A) In addition to any power conferred on him or her by paragraph (4), an authorised officer may -

 - (a) require an economic operator to provide relevant information required for the purpose of ascertaining the ownership of websites, where the information in question is related to the subject matter of an investigation being undertaken for the purposes of these Regulations,
 - (b) require an economic operator to provide relevant documents, technical specifications, data or information on compliance and technical aspects of the explosives including access to embedded software in so far as such access is necessary for the purpose of assessing the compliance of the explosives with these Regulations and the Directive, in any form or format and irrespective of the medium of storage or the place where such documents, technical specifications, data or information are stored, and to take or obtain copies thereof, and
 - (c) require an economic operator or any person to provide him or her with relevant information on the supply chain, on the details of the distribution network, on quantities of explosives on the market and on other product models that have the same technical characteristics as the explosives in question, where relevant for compliance with the requirements under these Regulations and the Directive.”, and
 - (iii) by the substitution, in subparagraph (b) of paragraph (11), of “paragraph (4) or paragraph (4A), or” for “paragraph (4), or”,
- (d) by the insertion of the following Regulation after Regulation 38:

Power to acquire product samples (including under cover identity)

“38A. (1) An authorised officer may, in order to identify non-compliance with these Regulations and the Directive, and to obtain evidence—

- (a) acquire (including under a cover identity) product samples, and
- (b) inspect such samples and reverse engineer them.

(2) The power conferred on an authorised officer by paragraph (1) is in addition to any other power conferred on an authorised officer by these Regulations.

- (e) by the insertion of the following Regulation after Regulation 40:

Removal of content from online interface

“40A. (1) Where no other effective means are available to eliminate a serious risk presented by explosives, the market surveillance authority may -

- (a) require the removal of content referring to the product concerned or any article or substance used in the manufacture of the product from an online interface or require the explicit display of a warning to end users when they access an online interface, or
- (b) where a person fails to comply with a request under subparagraph (a), require information society service providers to restrict access to the online interface, including by requesting a relevant third party to implement such measures.”,

- (f) in Regulation 41(1), by the substitution of “Regulation 35, 36 or 40A” for “Regulation 35 or 36”,

and

- (g) in Regulation 45(1), by the insertion of -

- (i) “10A,” after “10,”, and
- (ii) “,40A” after “38(11) or (12)”.



GIVEN under my Official Seal,
28 August, 2024.

HELEN MCENTEE,
Minister for Justice.

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