



STATUTORY INSTRUMENTS.

**S.I. No. 201 of 2015**

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EUROPEAN UNION (SYSTEM FOR THE IDENTIFICATION AND  
TRACEABILITY OF EXPLOSIVES FOR CIVIL USES) (AMENDMENT)  
REGULATIONS 2015

## EUROPEAN UNION (SYSTEM FOR THE IDENTIFICATION AND TRACEABILITY OF EXPLOSIVES FOR CIVIL USES) (AMENDMENT) REGULATIONS 2015

I, FRANCES FITZGERALD, Minister for Justice and Equality, 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 Commission Directive 2008/43/EC of 4 April 2008<sup>1</sup> as amended by Commission Directive 2012/4/EU of 22 February 2012<sup>2</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Union (System for the Identification and Traceability of Explosives for Civil Uses) (Amendment) Regulations 2015.

2. The European Communities (System for the Identification and Traceability of Explosives for Civil Uses) Regulations 2009 (S.I. No. 133 of 2009) are amended—

(a) in Regulation 2—

(i) by the designation of the Regulation as paragraph (1) and by the insertion after paragraph (1) of the following paragraph:

“(2) A word or expression which is used in these Regulations and which is also used in the Commission Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Commission Directive.”,

(ii) by the insertion of the following definition after “ammunition”:

“ ‘Commission Directive’ means Commission Directive 2008/43/EC of 4 April 2008<sup>1</sup> as amended by Commission Directive 2012/4/EU of 22 February 2012<sup>2</sup>;”, and

(iii) by the substitution of the following for the definition of “unique identification”:

“ ‘unique identification’ shall, other than for the purposes of paragraphs (5) and (6)(b) of Regulation 4 and paragraph (5)(b) of Regulation 10, be construed in accordance with Schedules 1 and 2.”,

<sup>1</sup>OJ No. L94/8, 5.4.08

<sup>2</sup>OJ No. L50/18, 23.2.2012

(b) in Regulation 4 by—

- (i) the substitution of “Subject to paragraphs (2), (3) and (5)” for “Subject to paragraphs (2) and (3)” in paragraph (1), and
- (ii) the insertion of the following after paragraph (4):

“(5) Paragraph (1) shall not apply where the explosive is imported and is already marked with a unique identification in accordance with the Commission Directive.

(6) A person shall not acquire or supply an explosive that—

- (a) has been manufactured in, or imported into, the State and is not marked with a unique identification in accordance with these Regulations, or
- (b) has been manufactured in, or imported into, another Member State and is not marked with a unique identification in accordance with the Commission Directive.”,

and

(c) in Regulation 10 by the substitution of the following for paragraph (5):

“(5) An authorised officer may seize any explosive if there is sufficient evidence that—

- (a) the explosive is not marked with a unique identification in accordance with these Regulations, or
- (b) the explosive is not marked with a unique identification in accordance with the Commission Directive.”.



GIVEN under my Official Seal,  
18 May 2015.

FRANCES FITZGERALD,  
Minister for Justice and Equality.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

This Regulation amends the European Communities (System for Identification and Traceability of Explosives for Civil Uses) Regulations 2009 (S.I. No. 133 of 2009). It clarifies the offence of persons acquiring or supplying explosives manufactured in another Member State which are not marked with a unique identification in accordance with the Commission Directive, and the enforcement measures available to an authorised officer in relation to such explosives. It also includes some minor technical amendments.

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