Conformity assessment of explosives for civil uses by the Health and Safety Executive UK Explosives Approved Body (UK-EAB)

Information Handbook

Issue 4

Contents

1 Background and Scope

This handbook describes the policy provisions adopted by the UK-EAB to ensure conformity of its UKCA or UK(NI) approval, assessment and audit activities with respect to the requirements of the UK Statutory Instrument 2014 No. 1638 (as amended) (The Explosive Regulations 2014).

It provides a guide for Applicants seeking UKCA or UK(NI) assessment of their products and states the Rules for Certification of Explosives for Civil Uses that must be followed prior to and during the conformity assessment process.

A summary of Applicants' responsibilities is given in Annex A.

2 Reference documents

UK-EAB is accredited to European Standard ISO/EN 17065:2012 "Requirements for bodies certifying products, processes and services."

UK-EAB complies with the requirements of UK Statutory Instrument 2014 No. 1638 (The Explosive Regulations 2014).

UK-EAB complies with the requirements of UK Statutory Instrument 2016 No. 315 (The Explosive Regulations 2014 (Amendment) Regulations 2016 (ERAR2016).

UK-EAB complies with the requirements of UK Statutory Instrument 2020 No. 1460 Product Safety and Metrology Regulations (Amendment) (UKNI Indication) (EU Exit) 2020.

3 Definitions

This document contains certain terms and definitions, which are described in the following table:

Term	Definition
Approved Body	A body that has been accredited to carry out the work UK Approved Body for Civil Use Explosives (UK-EAB Notified Body ID number 0519).
Applicant	The organisation or client that submits products for UK conformity assessment.
UKCA or UK(NI) approval assessment document	A document issued to the Applicant as the outcome of UKCA or UK(NI) approval activity (UKCA or UK (NI) Assessment Certificate, assessment decision, Approval to affix).
Certificate holder	The organisation or client having product conformity that is currently valid.

Term	Definition
Appeal	A request by an organisation to reconsider a decision previously made with respect to UKCA or UK(NI) approval assessment.
Complaint	An expression of dissatisfaction, by an applicant or certificate holder, with services or price provided by the Approved Body.
Audit	A visit to the Applicant or their manufacturer(s) by the Approved Body (or their representatives) in order to obtain data from records, statements of fact or other relevant information to evaluate the compliance of specified manufacturing requirements.
Withdrawal	Revocation/cancellation of the certificate or attestation of approval document.
ESR	Essential Safety Requirements as detailed in UK Statutory Instrument No. 315

4 Operation of UK-EAB as an Approved Body

4.1 General

The legal authority for UK-EAB to award UKCA or UK(NI) assessment is delegated from the Secretary of State for Work and Pensions in the UK.

UK-EAB possesses considerable expertise in the UK conformity assessment of explosives. It achieves adherence to the requirements of UK Statutory Instrument 2014 No. 1638 (as amended) by implementing the requirements of the UK-EAB Quality Management System (QMS). The main objective of the QMS is to support high quality, efficient and effective UKCA or UK(NI) assessment services to applicants and certificate holders wishing to UK certify explosive substances and articles that are to be placed on the market within Great Britain.

The Head of UK-EAB has overall responsibility for monitoring, implementing and maintaining the QMS and establishing the organisation required to facilitate approvals.

Applications for UKCA or UK(NI) assessment of explosives are treated in a fair and equitable manner regardless of Applicant. The fees for such services are established on the basis of fixed rates and reflect the complexity of the activities involved. Fees are periodically reviewed by the UK-EAB Management Board. UK-EAB charges full economic costs to clients.

Applications for approval assessments of an explosive article or substance will only be accepted if the Applicant can demonstrate that it complies with the ESRs detailed in UK Statutory Instrument 2014 No. 1638 (as amended).

UK-EAB maintains listings of UK approvals. These are publicly available via the UK-EAB website (https://solutions.hse.gov.uk/explosives-approved-body).

4.2 Organisation of UK-EAB within the Health and Safety Executive.

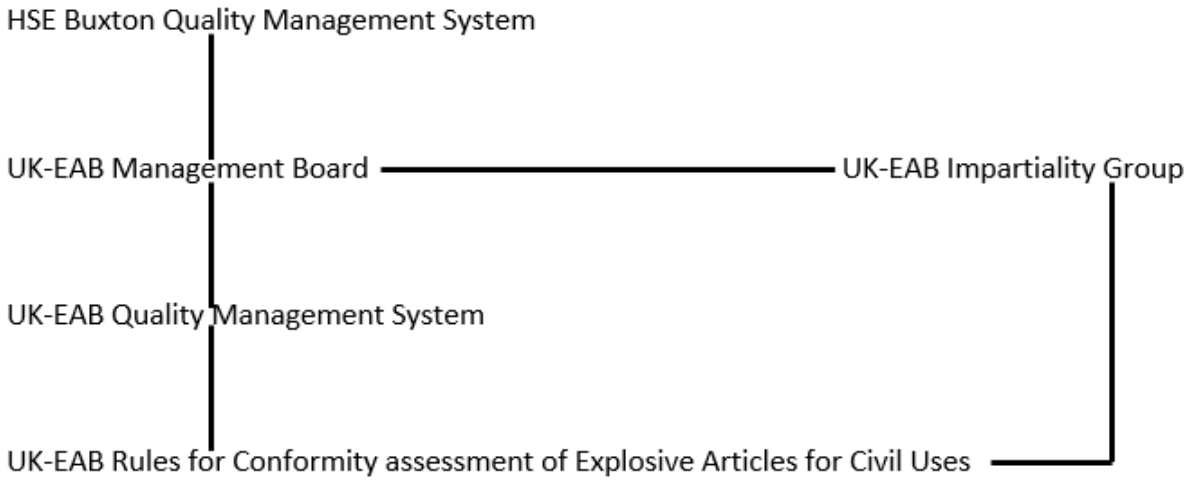
UK-EAB is based at the Health and Safety Executive (HSE) Science and Research Centre in Buxton. UK-EAB is a separate business entity to the wider activities of HSE-and has a distinct Management Board (internal to HSE), its own Quality Management System (QMS) and an external Impartiality Group. For the purposes of the directive, UK-EAB is considered to be a separate business entity due to the footnote to 4.1.1 of ISO/EN 17065:2012 (i.e. “A governmental conformity assessment body is deemed to be a legal entity on the basis of its governmental status”).

The UK-EAB Quality Management System describes how UK-EAB certifies products, processes or services.

Although UK-EAB operates under a distinct QMS, this adheres to HSE SD Buxton’s Quality Policy Statement (QPS) and follows the general structure of the overall HSE SD Buxton QMS.

As with all core business activities of the Health and Safety Executive, the conformity assessment and audit activities carried out by UK-EAB are self-insured according to UK government policy. UK-EAB and HSE neither offer nor warrant any indemnity or guarantee against loss or damage.

The following diagram demonstrates how the conformity assessment process is controlled:



4.3 Personnel of UK-EAB

UK-EAB staff are employees of the Health and Safety Executive, a public body within the United Kingdom, and therefore personnel are independent of any pressure of a commercial or financial nature that may affect their judgement. Similarly, staff salaries are not dependent upon volumes of approval assessments or financial results of UK-EAB.

All conformity assessment procedures are non-discriminatory.

UK-EAB personnel are not designers, manufacturers or suppliers of explosives for civil uses.

Detailed information concerning the management, responsibilities and training of personnel are detailed in the UK-EAB QMS. The function of each staff member within UK-EAB is defined in the UK-EAB QMS along with records of qualifications.

All staff competencies are recorded according to the procedures in the HSE SD Buxton QMS.

4.4 Impartiality and Independence

UK-EAB understands the importance of impartiality and potential conflicts of interest and operates a system of internal and external controls to ensure impartiality of operations and personnel associated with the provision of the UKCA or UK(NI) conformity assessment service.

UK-EAB is responsible for all decisions relating to the granting, maintenance or withdrawal of UKCA or UK(NI) approval assessment. The other activities of the Health and Safety Executive do not affect in any way the confidentiality, objectivity or impartiality of the conformity assessment process.

To maintain impartiality, the activities of UK-EAB are overseen by a distinct Independence Body (Impartiality Group) that is convened at HSE. Members of the Impartiality Group are selected and approved by the represented organisations. The membership of the Impartiality Group is selected from the various interested parties within the UK but with no single interest predominant. Where the Impartiality Group has concerns that are not adequately addressed by UK-EAB senior management, it can take appropriate independent action (e.g. raise issues with Industry Bodies, CBI etc.).

Separation of the activities of UK-EAB and the UK-EAB Impartiality Group ensures that UK-EAB is free from any undue influence by any interested party who might wish to have a direct commercial interest in its activities. This separation allows the UK-EAB Impartiality Group to highlight any areas of concern relating to the impartiality of UK-EAB. Regular review of the impartiality of the activities of UK-EAB will be undertaken by the UK-EAB Impartiality Group.

UK-EAB staff are required to declare any potential conflicts of interest to the Head UK-EAB who will report them to the Impartiality Group annually. If, at other times, any employee feels that a conflict of interest has arisen for themselves (or for any other employee within UK-EAB) they must formally highlight this to the Head of UK-EAB at the earliest opportunity. The Head of UK-EAB shall undertake an investigation to review whether impartiality has been compromised during the period and take appropriate corrective action.

UK-EAB treats all applicants equally, independent of company location, size, history or contract value.

UK-EAB applies an impartial and uniform pricing policy for conducting its approval assessment service in the field of explosives for civil use and does not favour any Applicant relative to any other. Further details of pricing policy are explained in Paragraph 5.4 of this Handbook.

UK-EAB does not provide services that are likely to compromise confidentiality, objectivity or impartiality of its approval assessment-related decisions. UK-EAB provides explanation of the requirements of the relevant Standard or explanation of any findings during conformity assessment but does not provide any service that offers advice or expresses recommendations in the context of an evaluation of products that may be certified.

4.5 Quality Assurance

4.5.1 Internal Quality audits

UK-EAB has an established process for carrying out internal audits in accordance with the requirements of ISO17065 and the results are reported to the UK-EAB Management Board and reviewed by the UK-EAB Impartiality Group. A review of the overall effectiveness of the UK-EAB QMS is undertaken annually.

4.5.2 External Audits

HSE SD Buxton and UK-EAB are regularly audited for compliance against the requirements of ISO17065.

4.5.3 UK-EAB Management Board

The UK-EAB Management Board consists of selected HSE employees. The Terms of Reference of the UK-EAB Management Board are given in Annex B. The Board meets regularly, at least annually, and reviews:

- Management systems.
- Process performance and the general running of UK-EAB.
- Recommendations for improvement.
- Resource management.
- Financial management of the approval assessment system.
- Contractual arrangements.
- Procedures and feedback from the Impartiality Group.

- The number of UKCA or UK(NI) Certificates valid, newly issued or withdrawn.

4.5.4 UK-EAB Impartiality Group

The UK-EAB Impartiality Group consists of nominated members selected by recognised industry groups such as Explosive Industry Group and The Institute of Explosive Engineers, with the agreement of UK-EAB, and selected employees of HSE. The Terms of Reference for the UK-EAB Impartiality Group are given in Annex C. The Group meets regularly, at least annually, and reviews:

- External audit feedback.
- Customer feedback to safeguard openness and impartiality.
- Customer complaints.
- Management Systems.
- Mechanism for safeguarding impartiality.

4.6 Documentation

4.6.1 Records

UK-EAB has an effective and coordinated record system for all its activities, which is defined in the UK-EAB QMS. The records contain the following documents:

- Certificates.
- Approvals to Affix the UKCA or UK(NI) mark.
- Conformity assessment reports.
- All relevant test data.
- Details of sub-contracts and work conducted.
- Records of Quality Module Inspections.

All records are retained and securely protected for 10 years as required by Statutory Instrument 2014 No 1638 (as amended).

4.6.2 Confidentiality

Much of the information held by UK-EAB is classified as OFFICIAL based on UK Government security classifications (previously Commercial-in-Confidence) and has been made available by Applicants for approval assessment purposes only. It will not be released without prior agreement. All files are stored with the necessary security precautions. Everyone working on the files is bound by the obligation of professional confidentiality. Any outcome (test results, photographs, reports) can only be disclosed to the Applicant or the relevant enforcing body unless by written permission of the Applicant.

UK-EAB may be required to provide information upon request to Ministry Market Surveillance Authorities where there is risk of endangerment of persons.

5 Procedure for Applying for Conformity Assessment

5.1 Information about the Procedure

By submitting an application for approval assessment and contracting with UK-EAB

for UKCA or UK(NI) approval assessment services, the Applicant acknowledges that they have read this Handbook (together with any other relevant guidance notes or documentation provided on the UK-EAB website) and agrees to comply with its requirements and also fully assumes the associated responsibilities.

A list of current costs for routine activities is given in Annex D.

UK-EAB applies the procedure for evaluation and approval assessment described by Statutory Instrument 2014 No.1638 (as amended). This consists of applying the appropriate Quality Modules (Module B to E) depending on the selected procedure for demonstrating continued conformity.

The assessment is made with regard to the ESRs in Statutory Instrument 2014 No.1638 (as amended). Compliance may be evaluated using the series of Designated Standards EN 13630, EN 13763, EN 13857 and EN 13939 relating to explosive products for civil use. These standards are not mandatory; however, a product that complies with the designated standards is presumed to comply with the conformity assessment. Any other standards or test methods that UK-EAB considers demonstrate compliance with the ESRs can be used.

Information on the Designated Standards is available on the GOV.UK website (https://www.gov.uk/government/publications/designated-standards-explosives-for-civil-uses).

5.2 Application

The application form that is on the UK-EAB website (https://solutions.hse.gov.uk/explosives-approved-body) should be completed. The application should at least include the following:

- The name and addresses of the Applicant and manufacturer(s).
- The commercial name of the product(s) to be certified.
- Drawings and any technical data sheets.
- A statement from the Applicant stating that the application has not been rejected/certified previously by UK-EAB or any other Explosives Approved Body.

UK-EAB will supply check lists specific to the explosive type to guide the Applicant on what tests and information is required.

When UK-EAB provides an estimate or quotation or accepts an order for the evaluation of a product for UKCA or UK(NI) conformity assessment, this does not imply that UK-EAB will issue such a certificate. Certificates will only be issued once the appropriate evidence has been supplied and reviewed, and the relevant requirements met.

Where the evidence supplied is insufficient for UK-EAB to provide a quotation, UK-EAB may return the application to the Applicant or, at our discretion, prepare a

quotation based on assumptions that we will communicate back to you.

You may submit changes or additions at any time during the course of the work. UK-EAB will discuss the implications with the Applicant (cost, timescale, technical compliance etc.) and advise on the options available and how to proceed.

UK-EAB aims for all projects to be completed to time and cost and to the satisfaction of the Applicant, however UK-EAB reserves the right to withdraw or abandon a project if:

- Within 6 months of the date of request of further information or samples, they are not received; or
- Designs or samples submitted are found to be non-compliant and revised designs or samples are not received within 6 months; or
- The accumulated time taken by the applicant to provide further information or samples or designs exceeds 6 months.

5.3 Responsibilities of the Applicant:

The main responsibilities of the Applicant are detailed in Annex A.

5.4 Provision of a quote for assessment.

UK-EAB conducts an initial assessment of each application for a set fee. This initial assessment examines technical evidence supplied and informs the Applicant of any additional information required and provides a full cost estimate to conduct the full assessment of the application.

Quotes are calculated from the time required to carry out the service based upon three types of examination:

- UKCA or UK(NI) Type conformity (Module B): New applications (including products that already hold European CE Certification), addition of similar products or technical changes to a certified product.
- Examination of Conformity to Type (Module C2): Audit or testing).
- Audit of conformity assessment according to Module D or E (paper assessment and audit).

In the specific case of UKCA or UK(NI) conformity examination, the time required for product evaluation depends upon:

- The complexity of the assessment of the product; and
- The data provided by the applicant (results of previous tests, similarity to products already certified, if the product has EU CE Certification and the supporting evidence supplied).

For these reasons, and due to the large variety of explosives for civil uses, it is not possible to set standard prices for UKCA or UK(NI) conformity examinations.

In the event of unforeseen problems or expenses arising during the conformity assessment process UK-EAB will inform you and shall be entitled to charge additional fees to cover the extra time necessarily incurred to complete the service.

Before additional charges are applied UK-EAB will write to you identifying the reasons for the additional charges.

6 Preparation of the Assessment

Once UK-EAB has agreed to the assessment, a member of UK-EAB will be assigned to it. UK-EAB will ensure that the assessor has the necessary qualifications to perform the assessment and that they are impartial and independent of any manufacturer.

The assessor's remit will be to assess the application to the requirements for conformity assessment as defined by Statutory Instrument 2014 No.1638 (as amended) and to provide explanations of the content of the Statutory Instrument to the Applicant, if required.

The assessment will commence once an invoice raised against the quote has been paid by the Applicant.

For most products UK-EAB will endeavour to complete the assessment within 12 weeks of receipt of all the necessary information as requested in the supplied checklists. However, electronic initiation systems are particularly complex and require substantially more resource. Consequently, UK-EAB will indicate the assessment time period to the Applicant on a case-by-case basis.

7 Requirements of the Assessment

The assessment is performed in accordance with the requirements of Statutory Instrument 2014 No.1638 (as amended). The Figure below shows the modules used by UK-EAB to perform its assessments. The applicant must select Module B and one of the quality modules (Modules C2, D, and E). Applicants should note that failure to comply with the requirements of the associated quality modules will result in revocation of the UKCA or UK(NI) Approval Certificate.

[Note: Other modules are allowed under the Directive but are not supported by UK-EAB].

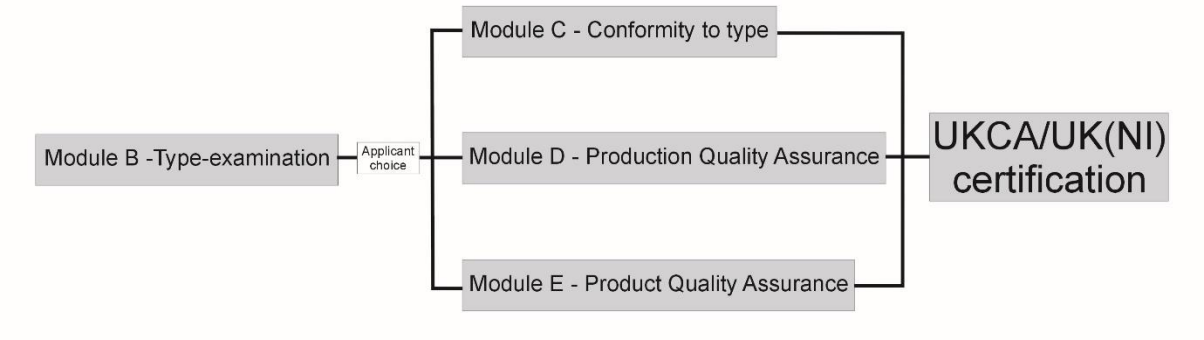


Figure demonstrating the Conformity Assessment procedures supported by UK-EAB

7.1 Requirements for Module B Assessment

Module B (UKCA or UK(NI) Type conformity examination) is used to demonstrate that the product complies with the ESRs detailed in Statutory Instrument 2014 No.1638 (as amended).

Compliance may be assessed by:

- Demonstrating that the explosive complies with the appropriate designated standard for explosive products for civil use (EN 13630, EN 13631, EN 13763, EN 13938 or EN 13938), or
- by compliance with other standards or test methods that UK-EAB considers are at least as rigorous as the designated standards and provide proof of conformity to the ESRs.
- Assessment of EU Notified Body Module B reports (supplied by the applicant), if EU certification is already held, and must contain sufficient data to demonstrate compliance.

Any tests conducted to demonstrate compliance with the ESRs must either be:

- Conducted by an ISO/IEC 17025 accredited test laboratory, or
- Conducted by the applicant in accordance with the requirements of ISO/IEC 17025.

To determine compliance, UK-EAB may require evidence to be supplied to substantiate the results claimed or may require certain tests to be repeated. In exceptional circumstances UK-EAB staff may need to witness the testing.

7.2 Requirements for Module C2 Assessments

Module C2 requires verification that the product complies with the Type approved during the Module B process. Generally, this is achieved by samples of product (that are representative of typical production) being tested.

UK-EAB requires these tests to be performed by an ISO/IEC 17025 test laboratory or conducted by the applicant in accordance with the requirements of ISO/IEC 17025. To determine compliance, UK-EAB may require evidence to be supplied to substantiate the results claimed or may require certain tests to be repeated. In exceptional circumstances UK-EAB staff may need to witness the testing.

A selection of tests will be made to satisfy UK-EAB that supplied samples conform to the Type. Harmonised standards will be used in preference to other tests. Product testing will occur approximately every 2 years. This periodicity may be reviewed depending on the results of previous testing.

In some instances, it may be impractical to test product samples. For example, the product may not perform as designed unless heavily confined (as in a borehole) or where specialist test equipment may be required. In such instances, UK-EAB will review control of the final product, any in-production testing and review customer complaints this review will be conducted remotely but in exceptional circumstances a

site visit and where applicable test witnessing may be required. Where necessary, the Applicant will make available or ensure the availability of any specialist equipment and personnel necessary for the testing of the product.

Remote assessment or site visits will occur approximately every 2 years. This periodicity may be reviewed depending on the results of previous audits.

If the applicant already holds Module C2 certification from an EU Notified Body the assessment reports, supplied by the applicant, will be reviewed. Additional supporting data will be requested if appropriate. The periodicity of these audits will be kept in line with the EU Notified but dependent upon UK EAB findings they may be conducted independently.

7.3 Requirements for Module D or E Assessments

These modules require a remote assessment or an audit visit to or of the manufacturer(s) or importer followed periodically by additional remote assessments or audit visits along with a yearly check of quality documentation.

7.3.1 Scope of audit

The first remote assessment/audit visit consists of:

- An assessment of the existing Quality System of the manufacturer, if one exists;
- An examination of the manufacturing process and associated facilities;
- An inspection of the processes/documentation used to ensure that the product is manufactured in accordance with the Type certified;
- An examination of procedures implemented by the manufacturer to ensure compliance with the requirements of Statutory Instrument 2014 No.1638 (as amended) (markings, archival procedures, compliance statements and procedures for informing UK-EAB of changes to scope etc.).

Subsequent remote assessments/audits shall occur at regular intervals once the initial audit has been completed. These occur approximately every three years. This periodicity may be reviewed depending on the results of previous audits. The audits cover the same aspects as the initial audit but may concentrate on specific areas of production, particularly if concerns have been raised in previous audits.

If the applicant already holds Module D or E certification from an EU Notified Body the assessment reports, supplied by the applicant, will be reviewed. Additional supporting data will be requested if appropriate. The periodicity of these audits will be kept in line with the EU Notified Body, but this is dependent upon UK EAB findings. This may mean that Module D or E audits will be conducted independently of the EU Notified Body.

7.3.2 Unannounced visits

Unannounced audit visits may be performed by UK-EAB if there are concerns that

there have been changes in manufacturing or monitoring rules, or that there is doubt over the conformity of a certified product, provided that verification cannot be achieved by other means.

8 Additional information on the Assessment

8.1 General

During the period of assessment, UK-EAB will only take instruction from the Applicant directly, unless expressly stated otherwise in writing by the Applicant in which circumstance UK-EAB may engage with manufacturer(s), importers or other organisations as authorised by the Applicant.

At the completion of an assessment project UK-EAB will normally either make samples available for collection by the Applicant or their representative, or arrange for sample destruction and disposal as agreed at the time of the application. The Applicant will be liable for any costs incurred in return or disposal.

8.2 Sub-Contracting

UK-EAB may need to sub-contract or outsource part of the conformity assessment evaluation process; this may be either auditing or testing.

8.2.1 Audit

The evaluation of a product is carried out by UK-EAB staff or conducted under their control. UK-EAB retains full responsibility for the evaluation and ensures that the conformity assessment decision is not outsourced.

UK-EAB ensures that the organisation to which the task has been subcontracted is both competent and impartial. The Applicant will be informed of the intention to subcontract and asked to confirm acceptance in case there may be a conflict of interest not identified by UK- EAB.

A formal subcontract is established with UK-EAB through the Commercial Support Team. The external subcontractor will be required to comply with the confidentiality and conflict of interest requirements of the UK-EAB.

8.2.2 Testing

UK-EAB may subcontract testing to check compliance with the ESRs. The subcontracted test-house or organisation will not themselves deem to be an Approved Body.

- Testing will only be subcontracted to a laboratory accredited with ISO/ IEC 17025. The only exceptions when examination or testing may be subcontracted to a non-accredited test house are where there is a short-term peak in the workload, incapacitation or non-availability of key staff, or the malfunction of key equipment necessitates the use of a non-accredited test house.

Tests conducted by the client are not considered to have been sub-contracted, since

UK-EAB conduct regular reviews to ensure conformity.

9 Assessment/Audit Reports

UKCA or UK(NI) assessment/audit reports are made and issued based on the information and samples provided by the Applicant/certificate holder, or on their behalf. They are responsible for the actions taken as a result of the assessment/audit report outcome. UK-EAB, our employees, agents or subcontractors, shall not be liable for any actions taken or not taken on the basis of such an assessment or audit report. Furthermore, UK-EAB will not be liable for any incorrect result arising from unclear, incomplete, misleading or false information provided to it.

9.1 Assessment Reports [Module B –UKCA/UK(NI) Type examination]

Module B is used to demonstrate that the product complies with the ESRs detailed in Statutory Instrument 2014 No.1638 (as amended). The report is internal to UK-EAB and is used to demonstrate what information UK-EAB has used in order to assess the product against Statutory Instrument 2014 No.1638 (as amended). The report includes:

- A description of the application;
- A description and identification of the relevant product(s);
- Details of the evaluation, referencing any test reports that have been used to check compliance;
- The conclusions of the assessor and their recommendation on whether to proceed to UKCA or UK(NI) approval assessment.
- UK-EAB may take into account tests of conformity undertaken by the Applicant or their manufacturers, as appropriate.

9.2 Audit Reports

These reports are produced to summarise the findings of an audit of a manufacturer in support of Modules C2, D or E, as appropriate. They include:

- A reference to the UKCA or UK(NI) certificate to which the report relates;
- An evaluation of the quality system (if applicable);
- The observations made during the audit;
- A summary of the conditions and methods for manufacturing and monitoring production;
- An evaluation of compliance to requirements specific to Statutory Instrument 2014 No.1638 (as amended) (markings, archiving);
- A summary of corrective actions / observations and associated agreed completion dates (where applicable);
- A statement, based on the audit evidence, confirming whether or not the UK approval assessment can continue.

Following the first audit of a manufacturer, subsequent audits include similar items but may place greater or lesser emphasis on certain aspects depending on factors such as:

- Performance at previous audits;
- Complaints or safety concerns from customers/market surveillance authorities.

10 Procedures for Granting, Maintenance, Extension or Withdrawal of Conformity assessment

The procedures for granting, maintenance, extension or withdrawal of conformity assessment are defined under the terms of Statutory Instrument 2014 No.1638 (as amended).

10.1 Approval assessment Decision

The approval assessment decision is recommended by the UK-EAB assessor in the Module B assessment report on the basis of the evidence presented. The recommendation is then verified by appropriate UK-EAB staff based on the Module B assessment report, the initial audit report for the quality module (Module C2, D or E), and associated evidence.

The approval assessment decision may be revised in the event of an appeal by the Applicant.

UK-EAB publishes a list of products and companies that have been UKCA or UK(NI) approval by them. By successfully completing the approval assessment process the Applicant agrees to this public declaration. In addition, provided that UK-EAB informs the Applicant first, the Applicant agrees to UK-EAB passing information to appropriate government organisations where there are concerns over the safety of the product.

10.2 Changes to Scope

The Applicant is required to inform UK-EAB of any modifications to the product or the manufacturing process or the quality system that is likely to affect the conformity of the product. Where UK-EAB becomes aware of breaches in this regard it will take appropriate action, which may include unscheduled audit visits. The certificate holder will be liable for any costs incurred.

A list of current costs for routine activities is given in Annex D.

10.3 Use of Certificates and Approval Markings

UK-EAB will not commence any approval assessment work or audit assessments until all fees and costs associated with the conformity assessment have been paid and received.

The company holding the UKCA or UK(NI) Approval certificate may make reference to it in their own documentation and use the UKCA (UK(NI)) mark as long as there is no risk of confusion with non-certified products. Any contravention of this requirement may lead to prosecution for fraud or misrepresentation.

The company holding the UKCA or UK(NI) Certificate shall facilitate UK-EAB in their

tasks related to approval assessment, particularly the organisation and conduct of audits and testing.

The certificate holder must:

- Keep a record of all complaints they receive relating to the compliance of the product with UKCA or UK(NI) conformity assessment;
- Make the records available to UK-EAB on request;
- Take appropriate measures in response to complaints on certified products;
- Document the actions taken to address the complaint.

It is the responsibility of the company holding the certificate to ensure that their products comply with regulations specific to the product. UKCA or UK(NI) conformity assessment does not replace this obligation. Consequently, the company holding the UKCA or UK(NI) conformity assessment remains liable for any deficiencies and defects related to their products.

UKCA or UK(NI) conformity assessment in no way infers a warranty, which shall remain the responsibility of the Certificate Holder.

Receipt of UKCA or UK(NI) conformity assessment from UK-EAB by the Applicant does not transfer the responsibilities and liabilities of the Applicant to UK-EAB.

Any subsequent modification that the Applicant may want to make to the product shall be subject to an application to UK-EAB for amendment to the existing certificate.

Any modifications to the systems or quality assurance processes that may have an impact on the performance or safety of the approved product must be communicated to UK-EAB in writing, so that a decision concerning the right to use the certificate and UKCA or UK(NI) mark can be made.

Certificates are strictly non-transferrable.

Copies of conformity assessment documents to others shall be reproduced in their entirety.

In the event of a merger, liquidation, conversion or absorption of a company holding conformity assessment issued by UK-EAB, the new company must notify UK-EAB of the changes.

Where the use of a UKCA or UK(NI) certificate is discontinued, the company must inform UK-EAB immediately.

10.4 Misuse of Conformity assessment

Conformity assessment documentation issued by UK-EAB may be withdrawn in the circumstances detailed below.

UK-EAB may withdraw a UKCA or UK(NI) certificate if:

- The certificate should not have been issued (either through false information provided to UK EAB or through our own error);
- The UKCA or UK(NI) logo is being used inappropriately;
- The Applicant requests its withdrawal;
- The documentation is being used inappropriately;
- The product being manufactured no longer corresponds to the product certified;
- As a result of market surveillance findings within the UK;
- If UK-EAB can no longer contact the company as it has been found to be no longer trading.

UK-EAB may withdraw an Approval to affix the UKCA or UK(NI) Mark if:

- The quality system no longer controls production sufficiently to allow confidence in the conformity of the product being manufactured;
- Examination of the product under the chosen Quality Module has shown that the product does not conform to the type or does not satisfy the requirements of the Statutory Instrument.
- The Applicant does not continue to follow the Rules for certification of explosives for civil uses at UK-EAB guidelines and responsibilities as presented in this handbook or on the UK-EAB website.
- At the request of an Applicant as they no longer manufacture the product at that time.

Prior to any decision relating to withdrawal of an UKCA or UK(NI) Type Certificate or Approval to Affix the UKCA or UK(NI) Mark during the monitoring and review process the testing and/or audit report will be communicated to the certificate holder with a letter of explanation. This will also apply if an Applicant has been found to contravene the rules of conformity assessment or been found to have misused a Certificate.

Depending on the seriousness and frequency of the deficiencies the following sanctions may be implemented:

- Written warning of infringement and requirement for remedial action within a specified time period;
- Written warning of infringement and unannounced audit;
- Withdrawal of conformity assessment for the product.

Once a Certificate or Approval to Affix has been withdrawn, UK-EAB will notify other authorities by publicising this on the UK-EAB website.

10.5 Stopping the use of a Certificate

Once UK-EAB has made the decision to withdraw the use of conformity assessment documentation UK-EAB will notify the applicant of their decision by traceable means. Within 14 days of receipt of the notification the applicant must:

- Stop all references to the certificate;
- Stop the use of documents in paper or electronic format, which display the

UKCA or UK(NI) conformity assessment logo;

- Refrain from making statements that are liable to be misleading with regard to their situation regarding conformity assessment;
- Stop the use of the conformity assessment mark on manufactured products;
- Remove the product(s) from the UK market.

11 Appeals and Complaints about the Conformity assessment Process

11.1 Appeals

UK-EAB has an effective and fair appeals procedure detailed in its QMS. When an Applicant or holder of an UKCA or UK(NI) Type Certificate wishes to appeal a conformity assessment decision then this should be in writing within 10 working days of receiving the decision. Upon receipt of an appeal the Impartiality Group appoints an appeals committee consisting of a chairman and two other members. UK-EAB staff cannot be appointed to this committee. A written report is provided by the committee after consideration of the appeal. The Director of UK-EAB sends the report to the Applicant within 10 working days.

11.2 Complaints

A complaint is regarded as any expressed dissatisfaction from any party with respect to any aspect of the operation of UK-EAB and should be made in writing. All complaints received by UK-EAB are recorded, investigated and reported on in accordance with the HSE SD Buxton QMS. All complaints and corrective actions will be reported to the UK-EAB internal Management Board and the Impartiality Group.

12 Contacts

HEALTH AND SAFETY EXECUTIVE (UK-EAB):

Health and Safety Executive (UK Explosives Approved Body)
HSE Science and Research Centre
Room C1.06
Harpur Hill
Buxton
Derbyshire
SK17 9JN
UK

Email: EAB@hse.gov.uk

Website: https://solutions.hse.gov.uk/explosives-approved-body

HSE UK Enforcing Authority website: www.hse.gov.uk

CBI website: www.cbi.org.uk

IExpE website: iexpe.org

Annex A
Summary of Applicant Responsibilities

The main responsibilities of the applicant are:

Prior to conformity assessment

- To note that payment for any service by UK-EAB must be paid for before any work can commence;
- To supply in a timely manner such information, drawings, samples and facilities that UK-EAB consider necessary to perform their work to an agreed schedule;
- To confirm that the information given is correct and that no application to any other Approved Body has been made for the assessment of the product.
- To confirm that you are in full possession of all necessary intellectual property rights on the product;
- To ensure that all technical documentation and drawings supplied to UK-EAB are uniquely identified and dated;
- To note that changes or additions may be made during the course of the assessment work. UK-EAB will discuss the implications of the change with the applicant in terms of cost, timescale or technical compliance and advise on the options on how to proceed;
- To confirm that they are in full possession of all necessary intellectual property rights on the product.

Once an UKCA or UK(NI) Type Certificate has been awarded

- UK-EAB must be informed of any modifications to these products or if there is a need to change the information on the certificates (e.g. company name);
- Where the UKCA or UK(NI) certificate relates to an activity performed at a particular location (e.g. manufacturing or applicant address), the applicant will notify UK-EAB of any change of location, or the inclusion of additional locations, so that appropriate measures can be taken;
- UK-EAB must also be informed if the quality system is changed so that the products no longer fall within its scope, or if there is a need to change the module for demonstrating the conformity of the production to the type;
- The Certificate holder must note that failure to comply with the requirements of the associated quality modules (C2, D or E) will result in revocation of the UKCA or UK(NI) Type Certificate.
- To use the UKCA or UK(NI) mark only in the way described in Statutory Instrument 2014 Number 1638 (as amended). In particular, on marketing and publicity documentation you will not represent the mark as your property. You will immediately discontinue any use of the UKCA or UK(NI) mark that is unacceptable to UK-EAB.
- Copies of conformity assessment documents to others shall be reproduced in their entirety.
- The Certificate holder should keep a record of all complaints they receive

relating to the compliance of the product with UKCA or UK(NI) conformity assessment;

- The Certificate holder should make records of complaints available to UK-EAB on request;
- The Certificate holder should take appropriate measures in response to complaints on certified products;
- The Certificate holder should document the actions taken to address the complaint.
- Within 14 days of receipt of a notification to withdraw conformity assessment the applicant must:
    - Stop all references to the certificate;
    - Stop the use of documents in paper or electronic format, which display the UKCA or UK(NI) conformity assessment logo;
    - Refrain from making statements that are liable to be misleading with regard to their situation regarding conformity assessment;
    - Stop the use of the conformity assessment mark on manufactured products;
    - Remove the product(s) from the UK market.

Annex B
UK-EAB Management Board – Terms of Reference

1. To oversee the formulation and the implementation of policies relating to the operation of the UK-EAB so as to improve efficiency and safeguard its independence and impartiality.
2. To supervise the finances of the UK-EAB and the pricing of the services offered by the UK- EAB.
3. To ensure that contractual arrangements are regularly reviewed and amended as appropriate.
4. To review the number of UKCA or UK(NI) Type certificates valid, newly issued or withdrawn and future levels of demand for conformity assessment, in order to arrange adequate resource to maintain an acceptable service. To review the procedures for handling the work of the UK-EAB, consider feedback from the Impartiality Group and make decisions on certificates in order to seek improvements from the UK-EAB and from applicants so as to achieve impartiality and an acceptable delivery time for certificates.
5. To consider recommendations and agree improvement actions from the annual reviews of the UK-EAB QMS (internal and 3rd party).
6. To delegate authority to committees/personnel to undertake defined activities, as required.
7. To set up appeals committees as required, to receive reports of these committees and to take the appropriate actions.
8. Review the competencies of UK-EAB personnel to ensure these correspond with the requirements of the business.
9. To approve interested parties to attend the UK-EAB Impartiality Group, in conjunction with the Conformity assessment Authority.

Annex C
UK-EAB Impartiality Group – Terms of Reference

1) Role

The main purpose of the Impartiality Group is to ensure that UK-EAB is free from any undue influence from any interested party by review of UK-EABs procedures and the outcome of management and audit reports.

2) Membership

Representation on the UK-EAB Impartiality Group will be by agreement with the existing membership. Representation should encompass all major sectors of explosive manufacture in the UK with no one sector predominant.

3) Voting rights

Each represented organisation has one vote.

4) Management
   - i) The Chairman is elected by those eligible to vote.
   - ii) Members of the Impartiality Group recommend to the UK-EAB Management Board relevant interested parties to attend the UK-EAB Impartiality Group.
   - iii) Where impartiality/independence issues are not considered to be adequately addressed by the UK-EAB Internal Management Board, the Impartiality Group may take independent action (notification to Approved body or conformity assessment authority). The Impartiality Group shall ensure that client confidentiality is respected.
   - iv) Decisions emerging from documents and issues presented at the Impartiality Group should be made in a cooperative manner by mutual agreement. Voting is not the preferred option and should only be used when an agreement cannot otherwise be reached.
   - v) Minutes are drafted under the responsibility of the Chairman. A first draft should be issued within 6 weeks of the meeting.
   - vi) Meetings are held at least annually. At the request of members, additional meetings can be organised.

5) Standing Agenda
   - i) The agenda should consider, as a minimum the following:
   - ii) A review of the previous Impartiality Group minutes
   - iii) A review of the summary report from the previous Internal Management Board meeting to:
   - iv) Consider the formulation and the implementation of policies relating to the operation of the UK-EAB.
   - v) Review resolved complaints since the last Internal Management Board meeting consider unresolved complaints and recommend appropriate actions, if these have not been resolved using HSE SD Buxton internal procedures.
   - vi) Review UK-EAB staff Impartiality Declarations for instances of ‘conflict

of interest'.

vii) Review responses from UK-EAB customer feedback requests to demonstrate openness and impartiality.

viii) Review actions from the annual UK-EAB QMS reviews (internal and 3rd party), particularly where these affect independence or impartiality.

6) Outputs

To produce a record of the activities of the Impartiality Group meeting for submission to the UK-EAB Internal Management Board.

Annex D
UK-ENB Current Standard Prices

The following prices are for use with most explosives applications. However, they are not applicable for electronic initiating systems. Due to their complexity the price for the activities detailed in the Table will be considered on an individual basis.

Item	**Price (£)**
Initial Assessment	1504(1) + VAT
Change of product name/withdrawal of a product	598 + VAT
Assessment of CE marked article for UKCA/UK(NI) Mark	Price on application
Change of company name	628 + VAT
Change of certificate holder	628 + VAT
Assessment of Technical changes to a UKCA or UK(NI) marked product	Price dependent upon complexity of change
Assessment of similar products for addition to a certificate	Price dependent upon number of products and degree of similarity to existing CE marked products
Quality Module Audit	
All modules: contract set up/visit preparation	1366 + VAT
Cost of Module D and E audit	Price on application
Cost of Module C2 audit or testing	Price on application

Notes:

1) Includes an estimate for the full assessment.