

Marketing and use of explosives precursors

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Andrejs MAMIKINS (S&D, LV) on the proposal for a regulation of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Annex XVII to Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 on the marketing and use of explosives precursors.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows.

Licences

In 2015 and 2016, homemade explosives were used in approximately 40% of terrorist attacks committed in the European Union. This demonstrates the need to close existing gaps in order to reduce the possibilities of accessing highly dangerous substances.

Proposed amendments aim to tighten the conditions for granting licences for the purchase and use of explosives precursors. Members stressed that the competent authority shall inform licence holders of any suspension or revocation of their licences in due time. The mutual recognition of the licences issued by other Member States shall be done bilaterally by means of agreements among the competent authorities.

Making available, introduction, possession and use

Restricted explosives precursors shall not be made available to, or introduced, possessed or used by members of the general public. The restrictions shall not apply to professionals who need to use these chemicals in connection to their trade, craft or profession.

Informing the supply chain

An online marketplace that acts as an intermediary shall take measures to ensure that its users, when making available regulated explosives precursors through its services, are informed of their obligations pursuant to this Regulation. Any personal use of the regulated explosives precursors by economic operators or their staff shall be prohibited.

For the purpose of verifying that a new customer is a professional user or an economic operator, an economic operator who makes available a restricted explosives precursor to a professional user or another economic operator shall for each transaction request the trade, business, craft or profession together with the company name and address of the new customer.

Verification upon sale

For the purpose of verifying the intended use of the restricted explosives precursor, the economic operator shall assess whether the intended use is consistent with the trade, business, craft or profession of the prospective customer. The transaction may be refused if there are reasonable grounds for doubting the customer's stated intended use of the restricted explosives precursor. The economic operator shall report the suspicious or attempted transaction.

Reporting of suspicious transactions, disappearances and thefts

The reporting obligations shall cover the products that contain regulated explosives precursors which fulfil all of the following criteria: (i) the precursor is listed as an ingredient on the label or in the safety datasheet; (ii) the precursor concentration is greater than 1% (or 3% N by weight for nitrogenous fertilisers); (iii) the extraction of the precursor is possible without complication.

Economic operators and online marketplaces acting as an intermediary shall report such suspicious transactions

Economic operators and online marketplaces that act as an intermediary may refuse the suspicious transaction. They shall report the suspicious transaction or attempted transaction within 24 hours, including, if possible, the identity of the customer and all the relevant details which have led them to consider a transaction suspicious, to the national contact point of the Member State where the suspicious transaction was concluded or attempted.

Training and awareness-raising

Member States shall organise regular exchanges between law enforcement agencies, national supervisory authorities, economic operators, online market places that act as an intermediary and representatives of the professional sectors that use regulated explosives precursors. Economic operators shall be responsible for providing information to their staff on the manner in which explosives precursors are to be made available under this Regulation and for raising staff awareness in this regard.

Member States may request additional specific trainings from the European Union Agency for Law Enforcement Training (CEPOL).

Safeguard clause

The national contact point of the Member State restricting or prohibiting substances shall inform economic operators and online marketplaces that act as intermediary in the territory of that Member State of such restrictions or prohibitions.