

Marketing and use of explosives precursors

2018/0103(COD) - 16/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 616 votes to 7 with 21 abstentions, a legislative resolution 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.

Parliament's position adopted in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Purpose

The Regulation establishes harmonised rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives. The aim is to limit the availability of those substances or mixtures to members of the general public, and to ensure the appropriate reporting of suspicious transactions throughout the supply chain.

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.

This restriction also applies to mixtures containing chlorates or perchlorates listed in Annex I (restricted explosive precursors), where the overall concentration of those substances in the mixture exceeds certain limit values expressed as a percentage by weight (w/w).

Licences

Each Member State that issues licences to members of the general public who have a legitimate interest in acquiring, introducing, possessing or using restricted explosives precursors shall lay down rules for issuing licences. When considering whether to issue a licence, the competent authority of the Member State shall take into account, in particular:

- the demonstrable need for the restricted explosives precursor and the legitimacy of its intended use;
- the background of the applicant, including information on previous criminal convictions of the applicant anywhere within the Union. The competent authority established by Council Framework Decision 2009 /315/JHA shall provide replies to requests for such information within 10 working days from the date the request was received.

Informing the supply chain

An economic operator who makes available a regulated explosives precursor to another economic operator shall inform that economic operator that the acquisition, introduction, possession or use of that regulated explosives precursor by members of the general public is subject to reporting obligations regarding suspicious transactions, disappearances and thefts.

Verification upon sale

The economic operator who makes available a restricted explosives precursor to a professional user or another economic operator shall for each transaction request the following information:

- proof of identity of the individual entitled to represent the prospective customer;
- the trade, business, or profession together with the company name, address and the value added tax identification number or any other relevant company registration number, if any, of the prospective customer;
- the intended use of the restricted explosives precursors by the prospective customer.

Economic operators shall retain this information for 18 months from the date of transaction.

The information must not be requested if such verification for that prospective customer has already occurred within a period of one year prior to the date of that transaction and the transaction does not significantly deviate from previous transactions.

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 or profession of the prospective customer. The economic operator may refuse the transaction if it has reasonable grounds for doubting the legitimacy of the intended use of the restricted explosives precursor. The economic operator shall report such transactions or such attempted transactions.

Reporting of suspicious transactions

The amended text requires economic operators and online marketplaces to report suspicious transactions.

Each Member State shall set up one or more national contact points, available 24 hours a day, seven days a week, with a clearly identified telephone number and e-mail address, web form or any other effective tool for the reporting of suspicious transactions and significant disappearances and thefts.

Economic operators and online marketplaces may refuse the suspicious transaction and must report it within 24 hours of considering that it is suspicious.

Significant disappearances and thefts of regulated explosives precursors must be reported within 24 hours of detection to the national contact point of the Member State where the disappearance or theft took place.

Training and awareness-raising

Member States shall organise regular exchanges between law enforcement authorities, national supervisory authorities, economic operators, online marketplaces and representatives of the sectors that use regulated explosives precursors. Economic operators shall be responsible for providing information to their personnel on the manner in which explosives precursors are to be made available and for raising personnel awareness in this regard.

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

A Member State that restricts or prohibits substances shall raise awareness of such restrictions or prohibitions among economic operators and online marketplaces on its territory.