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To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	8342/18 COMPET 245 CHIMIE 23 ENFOPOL 186 ENV 254 MI 288 ENT 77 UD 87 CODEC 634 + ADD 1-3 - COM(2018) 209 final
Subject:	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 - Mandate for negotiations with the European Parliament

Delegations will find in Annex the four column document following the first trilogue on 21 January and the technical meetings on 24 and 29 January.

Four-column document

**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**

2018/0103(COD)

Cell in green: The text can be deemed as already agreed

Cell in yellow: The issue needs further discussion at technical level

Cell in red: The issue needs further discussion in depth at the trialogue meetings

Note: Differences between LIBE's position and the Commission's proposal are highlighted in ***Bold/italics***. **Bold underline** in the Council column indicates where the Council has amended Commission's text. Deletions are marked with a ~~strike through~~. Compromise wording is in ***Bold/italics double underline***.

	COMMISSION PROPOSAL	COUNCIL TEXT	EP AMENDMENT	COMPROMISE
1	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	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	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	
2	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
3	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	
4	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
5	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	

6	Having regard to the opinion of the European Economic and Social Committee ¹ , ¹ OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , ¹ OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , ¹ OJ C , , p. .	
7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
8	Whereas:	Whereas:	Whereas:	
9	(1) Regulation (EU) No 98/2013 of the European Parliament and of the Council ² established harmonised rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives, with a view to limiting their availability to the general public, and ensuring the appropriate reporting of suspicious transactions throughout the supply chain. ² Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).	(1) Regulation (EU) No 98/2013 of the European Parliament and of the Council ² established harmonised rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives, with a view to limiting their availability to the general public, and ensuring the appropriate reporting of suspicious transactions throughout the supply chain. ² Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).	(1) Regulation (EU) No 98/2013 of the European Parliament and of the Council ² established harmonised rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives, with a view to limiting their availability to the general public, and ensuring the appropriate reporting of suspicious transactions throughout the supply chain. ² Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).	
10	(2) Although Regulation (EU) No 98/2013 has contributed to	(2) Although Regulation (EU) No 98/2013 has contributed to	(2) Although Regulation (EU) No 98/2013 has contributed to	GREEN CEU text

	reducing the threat posed by explosives precursors in the Union, it is necessary to strengthen the system of controls around homemade explosives. Given the number of changes needed, for the sake of clarity it is appropriate to replace Regulation (EU) No 98/2013.	reducing the threat posed by explosives precursors in the Union, it is necessary to strengthen the system of controls <u>of precursors that can be used for manufacturing</u> around homemade explosives. Given the number of changes needed, for the sake of clarity it is appropriate to replace Regulation (EU) No 98/2013.	reducing the threat posed by explosives precursors in the Union, it is necessary to strengthen the system of controls around homemade explosives. Given the number of changes needed, for the sake of clarity it is appropriate to replace Regulation (EU) No 98/2013.	
11	(3) Regulation (EU) No 98/2013 restricted access to and use of explosive precursors by members of the general public. Notwithstanding this prohibition, Member States could however decide to grant the general public access to those substances through a system of licences and registration. The restrictions and controls on explosives precursors in the Member State were therefore divergent and liable to cause barriers to trade within the Union, thus impeding the functioning of the internal market. Furthermore, the existing restrictions and controls were not ensuring sufficiently level of public security as they were not adequately preventing criminals	(3) Regulation (EU) No 98/2013 restricted access to and use of explosive precursors by members of the general public. Notwithstanding this prohibition, Member States could however decide to grant the general public access to those substances through a system of licences and registration. The restrictions and controls on explosives precursors in the Member States were therefore divergent and liable to cause barriers to trade within the Union, thus impeding the functioning of the internal market. Furthermore, the existing restrictions and controls were not ensuring sufficiently levels of public security, as they were not adequately preventing criminals	(3) Regulation (EU) No 98/2013 restricted access to and use of explosive precursors by members of the general public. Notwithstanding this prohibition, Member States could however decide to grant the general public access to those substances through a system of licences and registration. The restrictions and controls on explosives precursors in the Member State were therefore divergent and liable to cause barriers to trade within the Union, thus impeding the functioning of the internal market. Furthermore, the existing restrictions and controls were not ensuring sufficiently level of public security as they were not adequately preventing criminals	GREEN CEU text

	from acquiring explosives precursors. The threat posed by homemade explosives remained high and continuous to evolve.	from acquiring explosives precursors. The threat posed by homemade explosives remained high and continuous to evolve.	from acquiring explosives precursors. The threat posed by homemade explosives remained high and continuous to evolve.	
12	(4) The system to prevent the illicit manufacture of explosives should therefore be further strengthened and harmonised in view of the evolving threat to public security caused by terrorism and other serious criminal activities. This should also ensure the free movement of explosives precursors in the internal market, as well as promote competitiveness between economic operators and encourage innovation, by for example facilitating the development of safer chemicals to replace explosives precursors.	(4) The system to prevent the illicit manufacture of explosives should therefore be further strengthened and harmonised in view of the evolving threat to public security caused by terrorism and other serious criminal activities. This should also ensure the free movement of explosives precursors in the internal market, as well as promote competitiveness between economic operators and encourage innovation, by for example facilitating the development of safer chemicals to replace explosives precursors.	(4) The system to prevent the illicit manufacture of explosives should therefore be further strengthened and harmonised in view of the evolving threat to public security caused by terrorism and other serious criminal activities. This should also ensure the free movement of explosives precursors in the internal market, as well as promote competitiveness between economic operators and encourage innovation, by for example facilitating the development of safer chemicals to replace explosives precursors.	
13	(5) The criteria for determining which measures should apply to which explosives precursors include the level of threat associated with the explosives precursor concerned, the volume of trade in the explosives precursor concerned, and the possibility of establishing a concentration level below which	(5) The criteria for determining which measures should apply to which explosives precursors include the level of threat associated with the explosives precursor concerned, the volume of trade in the explosives precursor concerned, and the possibility of establishing a concentration level below which	(5) The criteria for determining which measures should apply to which explosives precursors include the level of threat associated with the explosives precursor concerned, the volume of trade in the explosives precursor concerned, and the possibility of establishing a concentration level below which	

	the explosives precursor could still be used for the legitimate purposes for which it is made available and is significantly less likely to be able to be used for the illicit manufacture of explosives.	the explosives precursor could still be used for the legitimate purposes for which it is made available and is significantly less likely to be able to be used for the illicit manufacture of explosives.	the explosives precursor could still be used for the legitimate purposes for which it is made available and is significantly less likely to be able to be used for the illicit manufacture of explosives.	
14	(6) Members of the general public should not be able to acquire, introduce, possess or use those explosives precursors at concentrations at or above certain limit values. However, it is appropriate to provide for members of the general public to be able to acquire, introduce, possess or use some explosives precursors above that concentration limit for legitimate purposes, only if they hold a licence to do so.	(6) Members of the general public should not be able to acquire, introduce, possess or use those certain explosives precursors in at concentrations at or above certain limit values in percent by weight (w/w). However, it is appropriate to provide for members of the general public to be able to acquire, introduce, possess or use some explosives precursors in concentrations above those at limit values concentration limit for legitimate purposes, only if they hold a licence to do so. <u>Where the applicant is a legal person, the competent authority of the Member State should take into account the background of the legal person and of any person, acting either individually or as part of an organ of the legal person, and having a leading position</u>	(6) Members of the general public should not be able permitted to acquire, introduce, possess or use those explosives precursors at concentrations at or above certain limit values. However, it is appropriate to provide for members of the general public to be able should be permitted to acquire, introduce, possess or use some explosives precursors above that concentration limit for legitimate purposes, only if they hold a licence to do so. [Am. 1]	GREEN - Compromise text merges both Council and EP amendments Members of the general public should not be permitted able to acquire, introduce, possess or use those certain explosives precursors in at concentrations at or above certain limit values in percent by weight (w/w). However, it is appropriate to provide for members of the general public should be permitted to be able to acquire, introduce, possess or use some explosives precursors in concentrations above those at limit values concentration limit for legitimate purposes, only if they hold a licence to do so. <u>Where the applicant is a legal person, the competent authority of the Member State should take into account the</u>

		<u>within the legal person, based on either a power of representation of the legal person, an authority to take decisions on behalf of the legal person or an authority to exercise control within the legal person.</u>		<u>background of the legal person and of any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on either a power of representation of the legal person, an authority to take decisions on behalf of the legal person or an authority to exercise control within the legal person</u>
15	(7) Licences may only be provided for substances in concentrations not exceeding the upper limit set by this Regulation. Above that upper limit, the risk in relation to the illicit manufacture of explosives outweighs the negligible legitimate use by the general public of these explosives precursors, for whom alternatives or lower concentrations can achieve the same effect. This Regulation should also determine which circumstances the competent authorities, should as a minimum, take into account	(7) <u>For some restricted explosives precursors in concentrations above the limit value set out in this Regulation, there exists no legitimate use by members of the general public. Therefore, licensing should be discontinued for potassium chlorate, potassium perchlorate, sodium chlorate and sodium perchlorate.</u> Licenses <u>Licensing should</u> may only be permitted provided for <u>a limited number of restricted explosives precursors</u> substances in concentrations not exceeding the upper limit	(7) Licences may only be provided for substances in concentrations not exceeding the upper limit set by this Regulation. Above that upper limit, the risk in relation to the illicit manufacture of explosives outweighs the negligible legitimate use by the general public of these explosives precursors, for whom alternatives or lower concentrations can achieve the same effect. This Regulation should also determine which circumstances provide the competent authorities, should as a minimum, take with an	GREEN - CEU text

	when considering whether to grant a licence. This should, together with the form annexed to this Regulation, facilitate the recognition of licenses in other Member States that apply licensing regime.	<u>provided for</u> set by this Regulation <u>and for which there exists a legitimate use by members of the general public.</u> Above that upper limit <u>and in case licensing is not permitted,</u> the risk in relation to the illicit manufacture of explosives outweighs the negligible legitimate use by the general public of these <u>those</u> explosives precursors, for which <u>on</u> alternatives or lower concentrations can achieve the same effect. This Regulation should also determine <u>the</u> which circumstances <u>which</u> the competent authorities, should, as a minimum, take into account when considering whether to grant <u>issue</u> a licence. This should, together with the <u>format of a licence</u> annexed to this Regulation, facilitate the recognition of licences <u>issued by</u> in other Member States that apply licensing regime.	<i>exhaustive set of objective criteria to be taken</i> into account when considering whether to grant a licence. This should, together with the form annexed to this Regulation, facilitate the recognition of licenses in other Member States that apply licensing regime. [Am. 2]	
16				YELLOW - Compromise wording as a recital (instead of amd. 14): (7a) Mutual recognition of the

				<i>licences issued by other Member States may be done bilaterally or multilaterally aiming at achieving the objectives of the single market.</i>
17	(8) In order to apply the restrictions and controls of this Regulation, those economic operators selling to professional users or members of the general public with a licence should rely on information made available upstream in the supply chain. Each economic operator in the supply chain should therefore inform the recipient of that restricted explosives precursor that the making available, introduction, possession or use of that restricted explosives precursor by members of the general public is subject to a restriction as set out in this Regulation, for instance by affixing an appropriate label or by verifying that an appropriate label is affixed or by including this information in the safety data sheet compiled in accordance with Annex II to Regulation (EC) No 1907/2006 of European Parliament and of the Council ³ .	(8) In order to apply the restrictions and controls of this Regulation, those economic operators selling to professional users or members of the general public holding with a licence should rely on information made available upstream in the supply chain. Each economic operator in the supply chain should therefore inform the recipient of that restricted regulated explosives precursor that the making available, introduction, possession or use of that restricted explosives precursor by members of the general public is subject to a restriction as set out in this Regulation, for instance by affixing an appropriate label or by verifying that an appropriate label is affixed or by including that this information in the safety data sheet compiled in accordance with Annex II to Regulation (EC) No 1907/2006 of European Parliament and of	(8) In order to apply the restrictions and controls of this Regulation, those economic operators selling to professional users or members of the general public with a licence should rely on information made available upstream in the supply chain. Each economic operator in the supply chain should therefore inform the recipient of that restricted explosives precursor that the making available, introduction, possession or use of that restricted explosives precursor by members of the general public is subject to a restriction as set out in this Regulation, for instance by affixing an appropriate label or and by verifying that an appropriate label is affixed or by including this information in the safety data sheet compiled in accordance with Annex II to Regulation (EC) No 1907/2006 of European Parliament and of	YELLOW - CEU text, subject to confirmation at trilogue level

	³ Regulation (EC) No 1907/2006 of European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p.1).	the Council ³ . ³ Regulation (EC) No 1907/2006 of European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p.1).	the Council ³ . [Am. 3] ³ Regulation (EC) No 1907/2006 of European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p.1).	
18	(9) The difference between an economic operator and a professional user is that the economic operator makes a restricted explosives precursor available to another person, whereas a professional user acquires or introduces a restricted explosives precursor only for their own use. Economic operators selling to professional users or members of the general public with a licence should ensure that their personnel involved in the sale of the explosives precursors is aware of the products that the economic operator offers and that contain explosives precursors, for instance by including this information in the barcode of the product.	(9) The difference between an economic operator and a professional user is that the economic operator makes a restricted explosives precursor available to another person, whereas a professional user acquires or introduces a restricted explosives precursor only for their own use. Economic operators selling to professional users, <u>other economic operators</u> or members of the general public with a licence should ensure that their personnel involved in the sale of the explosives precursors is <u>are</u> aware <u>which</u> of the products that the economic operator it offers and that contain explosives precursors, for instance by including this <u>that</u> information in the barcode of the product.	(9) The difference between an economic operator and a professional user is that the economic operator makes a restricted explosives precursor available to another person, whereas a professional user acquires or introduces a restricted explosives precursor only for their own use. Economic operators selling to professional users or members of the general public with a licence should ensure that their personnel involved in the sale of the explosives precursors is aware of the products that the economic operator offers and that contain explosives precursors, for instance by including this information in the barcode of the product.	GREEN - CEU text
19	(10) The distinction between a professional user, to which	(10) The distinction between a professional user, to which	(10) The distinction between a professional user, to which	GREEN - CEU text

	restricted explosives precursors can be made available and a member of the general public, to which they cannot, depends on whether the person intends to use that explosives precursor for purposes connected to their specific trade, craft or profession. Economic operators should therefore not make available a restricted explosives precursor to a natural or legal person that is professionally active in an area where that specific restricted explosives precursor does not tend to be used for professional purposes.	<u>whom</u> restricted explosives precursors can be made available and a member of the general public, to which <u>whom</u> they cannot, depends on whether the person intends to use that explosives precursor for purposes connected to their specific trade, craft <u>business</u> or profession, <u>including forestry, horticultural and agricultural activity, either full time or part time and not necessarily related to the size of the land area.</u> Economic operators, should therefore not make available a restricted explosives precursor, <u>neither</u> to a natural or legal person that is professionally active in an area where that specific restricted explosives precursor does not tend to be used for professional purposes, <u>nor to natural or legal persons engaged in activities not connected to any professional purpose.</u>	restricted explosives precursors can be made available and a member of the general public, to which they cannot, depends on whether the person intends to use that explosives precursor for purposes connected to their specific trade, craft or profession <u>farming or professional activities.</u> Economic operators should therefore not make available a restricted explosives precursor to a natural or legal person that is professionally active in an area where that specific restricted explosives precursor does not tend to be used for professional purposes. [Am. 4]	
20				GREEN to be confirmed by Council : Compromise recital on personal use:

				(10aa) Staff involved in the making available of explosives precursors is subject to the same rules of the Regulation that apply to the general public, when using such explosives precursors for their personal aims.
21		<u>(10a) Transaction data retained by economic operators should provide information that will substantially assist the authorities in preventing, investigating, detecting and prosecuting serious crime committed with homemade explosive devices and in verifying compliance with this Regulation. The identification of all supply chain actors and customers is essential for this purpose, be it members of the general public, professional users or economic operators. As the illicit manufacture and use of home made explosives might occur only after some</u>		YELLOW - Compromise wording to be checked by both institutions <u>Transaction data retained by economic operators should provide information that will substantially assist the authorities in preventing, investigating, detecting and prosecuting serious crime committed with homemade explosive devices and in verifying compliance with this Regulation. The identification of all supply chain actors and customers is essential for this purpose, be it members of the general public, professional users or economic operators.</u>

		<u>time, the data should be retained for a sufficient and appropriate period to take investigations forward and with a view to average inspection periods.</u>		<u>As the illicit manufacture and use of home made explosives might occur only after some time, the data should be retained as long as necessary, proportionate and appropriate to take investigations forward and with a view to average inspection periods</u>
22	(11) The obligations of this Regulation should apply also to companies that operate online, including online marketplaces. Therefore, online economic operators should also train their staff and have in place appropriate procedures to detect suspicious transactions. Furthermore, they should not make available restricted explosives precursors to a member of the general public in Member States other than those that maintain or establish a licensing regime in line with this Regulation and only after verifying that that member of the general public has a licence. After having verified the identity of the prospective customer, for instance through mechanisms referred to in Regulation (EU)	(11) The obligations <u>under</u> of this Regulation should apply also to companies that operate online, including <u>on</u> online marketplaces. Therefore, online economic operators should also train their <u>personnel</u> staff and have in place appropriate procedures to detect suspicious transactions. Furthermore, they should not make available restricted explosives precursors to a member of the general public in Member States other than those that maintain or establish a licensing regime in line with this Regulation and only after verifying that that member of the general public has a licence. After having verified the identity of the prospective customer, for instance through mechanisms referred to in	(11) The obligations of this Regulation should apply also to companies that operate online, including online marketplaces. Therefore, online economic operators should also train their staff and have in place appropriate procedures to detect suspicious transactions. Furthermore, they should not make available restricted explosives precursors to a member of the general public in Member States other than those that maintain or establish a licensing regime in line with this Regulation and only after verifying that that member of the general public has a licence. After having verified the identity of the prospective customer, for instance through mechanisms referred to in Regulation (EU)	GREEN - Council text

	No 910/2014 of the European Parliament and of the Council⁴, the economic operator should verify that a licence has been issued for the intended transaction, for instance through a physical inspection of the licence at the time of delivery or, with the consent of the prospective customer, by contacting the competent authority of Member States that enable to be consulted on the licenses they have issued. Companies operating online should also, like those operating offline, request end-use declarations of professional users. ⁴ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).	Regulation (EU) No 910/2014 of the European Parliament and of the Council⁴, the economic operator should verify that a licence has been issued for the intended transaction, for instance through a physical inspection of the licence at the time of delivery <u>of the precursor</u> or, with the consent of the prospective customer, by contacting the competent authority of Member States <u>that issued the licence.</u> enable to be consulted on the licenses they have issued. Companies operating online should also, like those operating offline, request end-use declarations of professional users. ⁴ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).	No 910/2014 of the European Parliament and of the Council⁴, the economic operator should verify that a licence has been issued for the intended transaction, for instance through a physical inspection of the licence at the time of delivery or, with the consent of the prospective customer, by contacting the competent authority of Member States that enable to be consulted on the licenses they have issued. Companies operating online should also, like those operating offline, request end-use declarations of professional users. ⁴ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).	
23	(12) Insofar as online marketplaces act as mere intermediaries between economic operators on the one hand, and members of the general public, professional users or farmers on	(12) <u>Online market places</u> act as mere intermediaries between economic operators on the one <u>side</u> hand, and members of the general public; <u>or</u> professional users or farmers on the other <u>side</u>	(12) Insofar as online marketplaces act as mere intermediaries between economic operators on the one hand, and members of the general public; <u>and</u> professional users or farmers	YELLOW - Wording to be confirmed <u>Online marketplaces</u> act as mere intermediaries between economic operators on the one <u>side</u>, and

the other hand, they should not be required to instruct their personnel involved in the sale of restricted explosives precursors or verify the identity and, where appropriate, the licence of the prospective customer or request other information from the prospective customer. However, given the central role which online marketplaces that act as an intermediary play in online economic transactions, including as regards the sales of restricted explosives precursors, it is appropriate that they should inform, in a clear and effective manner, users who aim to make available restricted explosives precursors through the use of their services of the obligations under this Regulation. In addition, it is appropriate that online marketplaces that act as an intermediary take measures to help ensure that their users comply with their obligations regarding verification, for instance by offering tools to facilitate verification of licences. All such obligations on online marketplaces that act as an	hand, they <u>Therefore online marketplaces should not fall under the definition of an economic operator and</u> should not be required to instruct their personnel involved in the sale of restricted explosives precursors or verify the identity and, where appropriate, the licence of the prospective customer or request other information from the prospective customer. However, given the central role which online marketplaces that act as an intermediary play in online economic transactions, including as regards the sales of <u>regulated</u> restricted explosives precursors, it is appropriate that they should inform, in a clear and effective manner, users who aim to make available <u>regulated</u> restricted explosives precursors through the use of their services of the obligations under this Regulation. In addition, it is appropriate that online marketplaces that act as an intermediary <u>should</u> take measures to help ensure that their users comply with their obligations regarding	on the other hand, they should not be required to instruct their personnel involved in the sale of restricted explosives precursors or verify the identity and, where appropriate, the licence of the prospective customer or request other information from the prospective customer. However, given the central role which online marketplaces that act as an intermediary play in online economic transactions, including as regards the sales of restricted <u>regulated</u> explosives precursors, it is appropriate that they should inform, in a clear and effective manner, users who aim to make available restricted <u>regulated</u> explosives precursors <i>of their obligations</i> through the use of their services of the obligations under this Regulation. In addition, it is appropriate that online marketplaces that act as an intermediary <i>They should also</i> take measures to help ensure that their users comply with their obligations regarding verification, for instance by offering tools to facilitate <i>facilitate</i> verification of licences.	members of the general public, or professional users on the other side. <u>Therefore online marketplaces should not fall under the definition of an economic operator and</u> should not be required to instruct their personnel involved in the sale of restricted explosives precursors or verify the identity and, where appropriate, the licence of the prospective customer or request other information from the prospective customer. However, given the central role which online marketplaces play in online transactions, including as regards the sales of <u>regulated</u> explosives precursors, it is appropriate that they should inform, in a clear and effective manner, users who aim to make available <u>regulated</u> explosives precursors through the use of their services, of the obligations under this Regulation. In addition, online marketplaces <u>should</u> take measures to help ensure that their users comply with their obligations regarding verification, for instance by offering tools to facilitate verification of licences. <u>Given the increasing significance of online markets for all kinds of offers and the importance of this procurement channel, also for terroristic purposes, online</u>
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	intermediary under this Regulation should be without prejudice to Articles 14 and 15 of Directive 2000/31/EC of the European Parliament and of the Council⁵. ⁵ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('<i>Directive on electronic commerce</i>') (OJ L 178, 17.07.2000, p. 1).	verification, for instance by offering tools to facilitate verification of licences. <u>Given the increasing significance of online markets for all kinds of offers and the importance of this procurement channel, also for terroristic purposes, online marketplaces should be subject to the same detection and reporting obligations as economic operators. In applying those obligations, the competent authority should strike a fair balance between public security needs and the affected interests and fundamental rights.</u> All such obligations on online marketplaces that act as an intermediary under this Regulation should be without prejudice to Articles 14 and 15 of Directive 2000/31/EC of the European Parliament and of the Council⁵. ⁵ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('<i>Directive on electronic commerce</i>') (OJ L 178, 17.07.2000, p. 1).	All such obligations on online marketplaces that act as an intermediary under this Regulation should be without prejudice to Articles 14 and 15 of Directive 2000/31/EC of the European Parliament and of the Council⁵. <i>In addition, they should be subject to the same detection and reporting obligations as economic operators with respect to suspicious transactions.</i> [Am. 5] ⁵ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('<i>Directive on electronic commerce</i>') (OJ L 178, 17.07.2000, p. 1).	<u>marketplaces should be subject to the same detection and reporting obligations as economic operators, while procedures to detect suspicious transactions should be properly adapted to the specific online environment.</u>
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24		<u>(12a) This Regulation should lay down only specific obligations for online marketplaces concerning the detection and reporting of suspicious transactions taking place on their website or using their computing services. Online marketplaces should not be held liable, on the basis of this Regulation, for transactions that were not detected despite the online marketplace having in place appropriate, reasonable and proportionate procedures to detect such a suspicious transaction.</u>		YELLOW - Possible compromise wording for the first part of the recital; while second part of the recital is still under discussion (linked to Article 9 (2)): <u>The obligations on online marketplaces under this Regulation should not amount to a general monitoring obligation. This Regulation should lay down only specific obligations for online marketplaces concerning the detection and reporting of suspicious transactions taking place on their website or using their computing services. Online marketplaces should not be held liable, on the basis of this Regulation, for transactions that were not detected despite the online marketplace having in place appropriate, reasonable and proportionate procedures to detect such a suspicious transaction.</u>
25		<u>(12b) Unless excluded from the</u>		YELLOW - Compromise

		<u>scope of application of this Regulation, the obligations relating to regulated explosives precursors should apply to all substances listed in the respective column 1 of Annexes I and II, irrespective of their concentration.</u>		wording to be confirmed by the Council <i>(12b) This Regulation requires economic operators to report suspicious transactions, regardless of whether the prospective customer is a member of the general public, a professional user or an economic operator. The obligations relating to regulated explosives precursors, including that of reporting suspicious transactions, should apply to all substances listed in the respective column 1 of Annexes I and II, irrespective of their concentration. However, products that contain explosives precursors only to such a small extent and in such complex mixtures that the extraction of explosives precursors is impossible without complication are excluded from the scope of this Regulation.</i>
26	(13) To improve the practical application of the Regulation, both economic operators and public authorities should provide	(13) To improve the practical application of this Regulation, both economic operators and public authorities should provide	(13) To improve the practical application of the Regulation, both economic operators and public authorities should provide	GREEN - CEU text

	for adequate training regarding the obligations of this Regulation. Member States should have in place inspection authorities and organise regular awareness-raising actions, targeted at the specificities of each different sector, and maintain a permanent dialogue with the supply chain, including those operating online.	for adequate training regarding the obligations of this Regulation. Member States should have in place inspection authorities and organise regular awareness-raising actions, targeted at the specificities of each different sector, and maintain a permanent dialogue with the supply chain, including those operating online.	for adequate training regarding the obligations of this Regulation. Member States should have in place inspection authorities and organise regular awareness-raising actions, targeted at the specificities of each different sector, and maintain a permanent dialogue with the supply chain, including those operating online.	
27	(14) The choice of substances used by criminals for the illicit manufacture of explosives can change rapidly. It should therefore be possible to bring additional substances under the regime provided by this Regulation, where necessary as a matter of urgency. In order to accommodate developments in the misuse of substances as explosives precursors the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to list additional substances that are not to be made available to the general public, to amend the concentration limit values above	(14) The choice of substances used by criminals for the illicit manufacture of explosives can change rapidly. It should, therefore, be possible to bring additional substances under the regime provided by this Regulation, where necessary as a matter of urgency. In order to accommodate possible developments in the misuse of substances as explosives precursors, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of to list additional substances that are not to be made available to the general public, to amending the	(14) The choice of substances used by criminals for the illicit manufacture of explosives can change rapidly. It should is therefore be essential that it be possible to bring additional substances under the regime provided by this Regulation, where necessary as a matter of urgency. In order to accommodate developments in the misuse of substances as explosives precursors the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to list additional substances that are not to be made available to the general public, to amend the	RED - political issue linked to delegation of power

	which certain substances restricted under this Regulation are not to be made available to the general public, and to list additional substances in respect of which suspicious transactions are to be reported. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁶. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ⁶ OJ L 123, 12.5. 2016, p. 1.	concentration limit values above which certain substances restricted under this Regulation are not to be made available to the general public, and to listinging of additional substances in respect of which suspicious transactions are to be reported. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁶. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ⁶ OJ L 123, 12.5. 2016, p. 1.	concentration limit values above which certain substances restricted under this Regulation are not to be made available to the general public, and to list additional substances in respect of which suspicious transactions are to be reported. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁶. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. [Am. 6] ⁶ OJ L 123, 12.5. 2016, p. 1.	
28	(15) In order to deal with	(15) In order to deal with	(15) In order to deal with	GREEN - CEU text

	substances not already restricted by this Regulation but in respect of which a Member State discovers reasonable grounds for believing that they could be used for the illicit manufacture of explosives, a safeguard clause for an adequate Union procedure is provided. Moreover, in view of the specific risks to be addressed in this Regulation, it is appropriate to allow Member States, in certain circumstances, to adopt safeguard measures, including in respect of substances already subject to measures under this Regulation.	substances not already restricted by this Regulation <u>listed in Annex I or II</u> but in respect of which a Member State discovers reasonable grounds for believing that they could be used for the illicit manufacture of explosives, a safeguard clause for an adequate Union procedure is <u>should be</u> provided. Moreover, in view of the specific risks to be addressed in this Regulation, it is appropriate to allow Member States, in certain circumstances, to adopt safeguard measures, including in respect of substances already subject to measures under this Regulation. <u>Furthermore, Member States should be allowed to maintain national measures, which they have already previously notified to the Commission in line with Article 13(6) of Regulation (EU) No. 98/2013.</u>	substances not already restricted by this Regulation but in respect of which a Member State discovers reasonable grounds for believing that they could be used for the illicit manufacture of explosives, a safeguard clause for an adequate Union procedure is provided. Moreover, in view of the specific risks to be addressed in this Regulation, it is appropriate to allow Member States, in certain circumstances, to adopt safeguard measures, including in respect of substances already subject to measures under this Regulation.	
29	(16) The regulatory framework would be simplified by transferring the relevant security-oriented restrictions on making available ammonium nitrate from Regulation (EC) No 1907/2006 to this Regulation. For that	(16) The regulatory framework would be simplified by transferring <u>integrating</u> the relevant security-oriented restrictions on making available ammonium nitrate from Regulation (EC) No 1907/2006	(16) The regulatory framework would be simplified by transferring the relevant security-oriented restrictions on making available ammonium nitrate from Regulation (EC) No 1907/2006 to this Regulation. For that	GREEN - CEU text

	reason, paragraphs 2 and 3 of entry 58 to Annex XVII to Regulation (EC) No 1907/2006 should be deleted.	into to this Regulation. For that reason, paragraphs 2 and 3 of entry 58 to Annex XVII to Regulation (EC) No 1907/2006 should be deleted.	reason, paragraphs 2 and 3 of entry 58 to Annex XVII to Regulation (EC) No 1907/2006 should be deleted.	
30	(17) Regulation (EU) No 98/2013 should be repealed.	(17) Regulation (EU) No 98/2013 should be repealed.	(17) Regulation (EU) No 98/2013 should be repealed.	GREEN - identical
31	(18) This Regulation requires the processing of personal data and their further disclosure to third parties in case of suspicious transactions. That processing and disclosure imply an interference with the fundamental rights to private life and the right to the protection of personal data. Accordingly, it should be ensured that the fundamental right to the protection of personal data of individuals whose personal data are processed in application of this Regulation is duly protected. Regulation (EU) 2016/679 of the European Parliament and of the Council ⁷ governs the processing of personal data carried out in the framework of this Regulation. Therefore, the processing of personal data that licensing and the reporting of suspicious	(18) This Regulation requires the processing of personal data and their further disclosure to third parties in case of suspicious transactions. That processing and disclosure imply an interference with the fundamental rights to private life and the right to the protection of personal data. Accordingly, it should be ensured that the fundamental right to the protection of personal data of individuals whose personal data are processed in application of this Regulation is duly protected. Regulation (EU) 2016/679 of the European Parliament and of the Council ⁷ governs the processing of personal data carried out in the framework of this Regulation. Therefore, the processing of personal data that licensing and the reporting of suspicious	(18) This Regulation requires the processing of personal data and their further disclosure to third parties in case of suspicious transactions. That processing and disclosure imply an interference with the fundamental rights to private life and the right to the protection of personal data. Accordingly, it should be ensured that the fundamental right to the protection of personal data of individuals whose personal data are processed in application of this Regulation is duly protected. Regulation (EU) 2016/679 of the European Parliament and of the Council ⁷ governs the processing of personal data carried out in the framework of this Regulation. Therefore, the processing of personal data that licensing and the reporting of suspicious	

	transactions entail, should be carried out in accordance with Regulation (EU) 2016/679, including the general data protection principles of lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality and the requirement to show due respect for the data subject's rights. ⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).	transactions entail, should be carried out in accordance with Regulation (EU) 2016/679, including the general data protection principles of lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality and the requirement to show due respect for the data subject's rights. ⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).	transactions entail, should be carried out in accordance with Regulation (EU) 2016/679, including the general data protection principles of lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality and the requirement to show due respect for the data subject's rights. ⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).	
32	(19) The Commission should carry out an evaluation of this Regulation based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. Information should be collected regularly and in order to inform the evaluation of this Regulation.	(19) The Commission should carry out an evaluation of this Regulation based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. Information should be collected regularly and in order to inform the evaluation of this Regulation.	(19) The Commission should carry out an evaluation of this Regulation based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. Information should be collected regularly and in order to inform the evaluation of this Regulation.	
33	(20) Since the objective of this	(20) Since the objective of this	(20) Since the objective of this	GREEN - CEU text

	Regulation, namely limiting access by the general public to explosives precursors, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the limitation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	Regulation, namely limiting access by the general public to explosives precursors, cannot be sufficiently achieved by the Member States but and can rather therefore, by reason of the scale and effects of the limitation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	Regulation, namely limiting access by the general public to explosives precursors, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the limitation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	
34	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
35	<i>Article 1</i>	<i>Article 1</i>	<i>Article 1</i>	
36	Subject matter	Subject matter	Subject matter	
37	This 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, with a view to limiting their	This 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, with a view to limiting their	This 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, with a view to limiting their	GREEN CION text

	availability to the general public, and ensuring the appropriate reporting of suspicious transactions throughout the supply chain.	availability to the general public, and ensuring the appropriate reporting of suspicious transactions throughout the supply chain.	availability to the general public, and ensuring the appropriate reporting of suspicious transactions throughout the supply chain.	
38	This Regulation is without prejudice to other more stringent provisions of Union law concerning the substances listed in the Annexes I and II.	This Regulation is without prejudice to other more stringent provisions of Union law concerning the substances listed in the Annexes I and II.	This Regulation is without prejudice to other more stringent provisions of Union law concerning the substances listed in the Annexes I and II.	GREEN CION text
39	Article 2	Article 2	Article 2	
40	Scope	Scope	Scope	
41	1. Regulation applies to the substances listed in Annexes I and II and to mixtures and substances containing them.	1. <u>This</u> Regulation applies to the substances listed in Annexes I and II and to mixtures and substances containing them.	1. Regulation applies to the substances listed in Annexes I and II and to mixtures and substances containing them.	GREEN CEU text
42	2. This Regulation does not apply to:	2. This Regulation does not apply to:	2. This Regulation does not apply to:	
43	(a) articles as defined in point (3) of Article 3 of Regulation (EC) No 1907/2006;	(a) articles as defined in point (3) of Article 3 of Regulation (EC) No 1907/2006;	(a) articles as defined in point (3) of Article 3 of Regulation (EC) No 1907/2006;	
44	(b) pyrotechnic articles as defined in point (1) of Article 3 of Directive 2013/29/EU of the European Parliament and of the Council ⁸ ;	(b) pyrotechnic articles as defined in point (1) of Article 3 of Directive 2013/29/EU of the European Parliament and of the Council ⁸ ;	(b) pyrotechnic articles as defined in point (1) of Article 3 of Directive 2013/29/EU of the European Parliament and of the Council ⁸ ;	
	⁸ Directive 2013/29/EU of the European Parliament and of the Council of 12 June	⁸ Directive 2013/29/EU of the European Parliament and of the Council of 12 June	⁸ Directive 2013/29/EU of the European Parliament and of the Council of 12 June	

	2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 28.6.2013, p. 27).	2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 28.6.2013, p. 27).	2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 28.6.2013, p. 27).	
45	(c) pyrotechnic articles intended for non-commercial use, in accordance with national law, by the armed forces, the law enforcement authorities or the fire department;	(c) pyrotechnic articles intended for non-commercial use, in accordance with national law, by the armed forces, the law enforcement authorities or the fire department;	(c) pyrotechnic articles intended for non-commercial use, in accordance with national law, by the armed forces, the law enforcement authorities or the fire department;	
46	(d) pyrotechnic equipment falling within the scope of Directive 2014/90/EU of the European Parliament and of the Council ⁹ ; ⁹ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).	(d) pyrotechnic equipment falling within the scope of Directive 2014/90/EU of the European Parliament and of the Council ⁹ ; ⁹ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).	(d) pyrotechnic equipment falling within the scope of Directive 2014/90/EU of the European Parliament and of the Council ⁹ ; ⁹ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).	
47	(e) pyrotechnic articles intended for use in the aerospace industry;	(e) pyrotechnic articles intended for use in the aerospace industry;	(e) pyrotechnic articles intended for use in the aerospace industry;	
48	(f) percussion caps intended for toys;	(f) percussion caps intended for toys;	(f) percussion caps intended for toys;	
49	(g) medicinal products legitimately made available to a member of the general public on the basis of a medical prescription in accordance with the applicable national law.	(g) medicinal products legitimately made available to a member of the general public on the basis of a medical prescription in accordance with the applicable national law.	(g) medicinal products legitimately made available to a member of the general public on the basis of a medical prescription in accordance with the applicable national law.	
50	<i>Article 3</i>	<i>Article 3</i>	<i>Article 3</i>	

51	Definitions	Definitions	Definitions	
52	For the purposes of this Regulation the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation the following definitions shall apply:	
53	(1) ‘substance’ means a substance within the meaning of point (1) of Article 3 of Regulation (EC) No 1907/2006;	(1) ‘substance’ means a substance within the meaning of point (1) of Article 3 of Regulation (EC) No 1907/2006;	(1) ‘substance’ means a substance within the meaning of point (1) of Article 3 of Regulation (EC) No 1907/2006;	
54	(2) ‘mixture’ means a mixture within the meaning of point (2) of Article 3 of Regulation (EC) No 1907/2006;	(2) ‘mixture’ means a mixture within the meaning of point (2) of Article 3 of Regulation (EC) No 1907/2006;	(2) ‘mixture’ means a mixture within the meaning of point (2) of Article 3 of Regulation (EC) No 1907/2006;	
55	(3) ‘article’ means an article within the meaning of point (3) of Article 3 of Regulation (EC) No 1907/2006;	(3) ‘article’ means an article within the meaning of point (3) of Article 3 of Regulation (EC) No 1907/2006;	(3) ‘article’ means an article within the meaning of point (3) of Article 3 of Regulation (EC) No 1907/2006;	
56	(4) ‘making available’ means any supply, whether in return for payment or free of charge;	(4) ‘making available’ means any supply, whether in return for payment or free of charge;	(4) ‘making available’ means any supply, whether in return for payment or free of charge;	
57	(5) ‘introduction’ means the act of bringing a substance into the territory of a Member State whether from another Member State or from a third country;	(5) ‘introduction’ means the act of bringing a substance into the territory of a Member State, <u>irrespective of its destination within the European Union,</u> whether from another Member State or from a third country, <u>under any customs procedure including transit as defined in the Union Customs Code laid</u>	(5) ‘introduction’ means the act of bringing a substance into the territory of a Member State whether from another Member State or from a third country;	GREEN - CEU text

		<u>down by Regulation (EU) No 952/2013^{9a}.</u> <u>^{9a} Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).</u>		
58	(6) ‘use’ means any processing, formulation, storage, treatment or mixing, including in the production of an article, or any other utilisation;	(6) ‘use’ means any processing, formulation, <u>consumption,</u> storage, <u>keeping,</u> treatment, <u>filling into containers, transfer from one container to another,</u> or mixing, production of an article, or any other utilisation;	(6) ‘use’ means any processing, formulation, <i>consumption,</i> storage, <i>keeping,</i> treatment or, <i>filling into containers, transfer from one container to another,</i> mixing, including in the production of an article, or any other utilisation; [Am. 7]	GREEN CEU and EP text identical
59			<i>(6a) ‘suspicious transaction’ means any transaction for which there are reasonable grounds, after taking account of all relevant factors, to suspect that the substance or mixture is intended for the illicit manufacture of explosives;</i> [Am. 8]	GREEN EP text
60	(7) ‘member of the general public’ means any natural or legal person who has a need for a restricted explosives precursor for purposes that are not connected with their trade, business, craft or profession;	(7) ‘member of the general public’ means any natural or legal person who has a need for a restricted explosives precursor <u>is acting</u> for purposes that are not connected with their trade, business, craft or profession;	(7) ‘member of the general public’ means any natural or legal person who has a need for a restricted explosives precursor for purposes that are not connected with their trade, business, craft or profession	GREEN CEU text

			<i>farming or professional activities</i> ; [Am. 9]	
61	(8) 'professional user' means any natural or legal person who has a demonstrable need for a restricted explosives precursor for purposes connected with their trade, business, craft or profession which exclude making that restricted explosives precursor available to another person.	(8) 'professional user' means any natural or legal person <u>or public entity or group of such persons</u> , who has a demonstrable need for a restricted explosives precursor for purposes connected with their trade, business, craft or profession, <u>including agricultural activity, either full time or part time and not necessarily related to the size of the land area</u> , which exclude making that restricted explosives precursor available to another person.	(8) 'professional user' means any natural or legal person who has a demonstrable need for a restricted explosives precursor for purposes connected with their trade, business, craft or profession <i>farming or professional activities</i> which exclude making that restricted explosives precursor available to another person <i>a member of the general public</i> ; [Am. 10]	GREEN CEU text
62	(9) 'economic operator' means any natural or legal person or public entity or group of such persons and/or bodies which delivers regulated explosives precursors or services related to regulated explosives precursors, on the market, either off- or online and including online marketplaces;	(9) 'economic operator' means any natural or legal person or public entity or group of such persons and/or bodies which delivers <u>makes</u> regulated explosives precursors or services related to regulated explosives precursors , <u>available</u> on the market, either off- or online, and including <u>on</u> online marketplaces;	(9) 'economic operator' means any natural or legal person or public entity or group of such persons and/or bodies which delivers <i>makes available</i> regulated explosives precursors or services related to regulated explosives precursors, on the market, either off- or online and including online marketplaces; [Am. 11]	GREEN - CEU text
63	(10) 'online marketplace that acts as an intermediary' means a provider of an intermediary	(10) 'online marketplace that acts as an intermediary ' means a provider of an intermediary	(10) 'online marketplace that acts as an intermediary' means a provider of an intermediary	GREEN CEU text

	service that allows economic operators on the one hand, and members of the general public, professional users or farmers on the other hand, to conclude transactions regarding regulated explosives precursors via online sales or service contracts with economic operators either on the online marketplace's website or on an economic operator's website that uses computing services provided by the online marketplace;	service that allows economic operators on the one hand, and members of the general public or professional users or farmers on the other hand, to conclude transactions regarding regulated explosives precursors via online sales or service contracts with economic operators either on the online marketplace's website or on an economic operator's website that uses computing services provided by the online marketplace;	service that allows economic operators on the one hand, and members of the general public, professional users or farmers on the other hand, to conclude transactions regarding regulated explosives precursors via online sales or service contracts with economic operators either on the online marketplace's website or on an economic operator's website that uses computing services provided by the online marketplace;	
64	(11) ‘restricted explosives precursor’ means a substance listed in Annex I, in a concentration higher than, or, in the case of ammonium nitrate, in a concentration equal to or higher than the corresponding limit value set out in column 2 therein and includes a mixture or another substance in which such a listed substance is present in a concentration higher than, or, in the case of ammonium nitrate, in a concentration equal to or higher than the corresponding limit value;	(11) ‘restricted explosives precursor’ means a substance listed in Annex I, in a concentration higher than, or, in the case of ammonium nitrate, in a concentration equal to or higher than the corresponding limit value set out in column 2 <u>of the table in Annex I</u> therein and includes a mixture or another substance in which such a substance <u>is present in a concentration higher than, or, in the case of ammonium nitrate, in a concentration equal to or higher than</u> the corresponding limit value;	(11) ‘restricted explosives precursor’ means a substance listed in Annex I, in a concentration higher than, or, in the case of ammonium nitrate, in a concentration equal to or higher than the corresponding limit value set out in column 2 therein and includes a mixture or another substance in which such a listed substance is present in a concentration higher than, or, in the case of ammonium nitrate, in a concentration equal to or higher than the corresponding limit value;	GREEN CEU text

65	(12) 'regulated explosives precursor' means a substance listed in Annexes I or II and includes a mixture or other substance in which a substance listed in those Annexes is present;	(12) 'regulated explosives precursor' means a substance listed in Annexes I or II and includes a mixture or <u>another</u> substance in which a substance listed in those Annexes is present; <u>excluding homogeneous mixtures of more than 5 ingredients in which the concentration of each substance listed in Annex I or II is below 1 % w/w;</u>	(12) 'regulated explosives precursor' means a substance listed in Annexes I or II and includes a mixture or other substance in which a substance listed in those Annexes is present;	GREEN CEU text
66	(13) 'agricultural activity' means the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition as established under Article 94 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ¹⁰ ; ¹⁰ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).	(13) 'agricultural activity' means the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition as established under Article 94 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ¹⁰ ; ¹⁰ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).	(13) 'agricultural activity' means the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition as established under Article 94 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ¹⁰ ; ¹⁰ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).	GREEN CION text

67	(14) 'farmer' means a natural or legal person, or a group of natural or legal persons, regardless of the legal status granted to such group and its members by national law, whose holding is situated within the territorial scope of the Treaties, as defined in Article 52 TEU in conjunction with Articles 349 and 355 TFEU, and who exercises an agricultural activity.	(14) 'farmer' means a natural or legal person, or a group of natural or legal persons, regardless of the legal status granted to such group and its members by national law, whose holding is situated within the territorial scope of the Treaties, as defined in Article 52 TEU in conjunction with Articles 349 and 355 TFEU, and who exercises an agricultural activity.	(14) 'farmer' means a natural or legal person, or a group of natural or legal persons, regardless of the legal status granted to such group and its members by national law, whose holding is situated within the territorial scope of the Treaties, as defined in Article 52 TEU in conjunction with Articles 349 and 355 TFEU, and who exercises an agricultural activity.	GREEN CEU text
68	Article 4	Article 4	Article 4	
69	Free movement	Free movement	Free movement	
70	Unless otherwise provided for in this Regulation or in other legal acts of the Union, Member States shall not prohibit, restrict or impede the making available of a regulated explosives precursor.	Unless otherwise provided for in this Regulation or in other legal acts of the Union, Member States shall not, <u>on grounds related to the prevention of the illicit manufacture of explosives,</u> prohibit, restrict or impede the making available of a regulated explosives precursor.	Unless otherwise provided for in this Regulation or in other legal acts of the Union, Member States shall not prohibit, restrict or impede the making available of a regulated explosives precursor.	GREEN CEU text
71	Article 5	Article 5	Article 5	
72	Making available, introduction, possession and use	Making available, introduction, possession and use	Making available, introduction, possession and use	
73	1. Restricted explosives	1. Restricted explosives	1. Restricted explosives	GREEN CION text

	precursors shall not be made available to, or introduced, possessed or used by members of the general public.	precursors shall not be made available to, or introduced, possessed or used by members of the general public.	precursors shall not be made available to, or introduced, possessed or used by members of the general public.	
74		<u>1a. The obligation under paragraph 1 also applies to mixtures containing chlorates or perchlorates listed in Annex I, if the overall concentration of those substances in the mixture exceeds the limit value of one of those substances set out in column (2) of the table in Annex I.</u>		GREEN CEU text
75	2. Paragraph 1 shall not apply to ammonium nitrate (CAS RN 6484-52-2) that is made available to, or introduced, possessed or used by farmers for agricultural activity, either full time or part time and not necessarily related to the size of the land area.	2. Paragraph 1 shall not apply to ammonium nitrate (CAS RN 6484-52-2) that is made available to, or introduced, possessed or used by farmers for agricultural activity, either full time or part time and not necessarily related to the size of the land area.	2. Paragraph 1 shall not apply to ammonium nitrate (CAS RN 6484-52-2) that is made available to, or introduced, possessed or used by farmers for agricultural activity, either full time or part time and not necessarily related to the size of the land area. [Am. 12]	GREEN EP and CEU text identical
76	3. A Member State may maintain or establish a licensing regime allowing restricted explosives precursors in concentrations not higher than the corresponding limit values set out in column 3 of Annex I to be made available to, or to be introduced, possessed	3. A Member State may maintain or establish a licensing regime allowing certain restricted explosives precursors in concentrations not higher than the corresponding limit values set out in column 3 of Annex I to be made available to, or to be	3. A Member State may maintain or establish a licensing regime allowing restricted explosives precursors in concentrations not higher than the corresponding limit values set out in column 3 of Annex I to be made available to, or to be introduced, possessed	GREEN CEU text but replacing "and/or" with "or" (twice)

	or used by, members of the general public. Under such regime, a member of the general public shall obtain, and, if requested, present a licence for acquiring, introducing, possessing and using restricted explosives precursors, issued in accordance with Article 6 by a competent authority of the Member State where that restricted explosives precursor is going to be acquired, introduced, possessed or used.	introduced, possessed or used by, members of the general public. Under such regime, a member of the general public shall obtain, and, if requested, present a licence for acquiring, introducing, possessing and/or using restricted explosives precursors, <u>Such a licence shall be</u> issued in accordance with Article 6 by a competent authority of the Member State where that restricted explosives precursor is going <u>intended</u> to be <u>acquired, introduced, possessed and/or</u> used.	or used by, members of the general public. Under such regime, a member of the general public shall obtain, and, if requested, present a licence for acquiring, introducing, possessing and using restricted explosives precursors, issued in accordance with Article 6 by a competent authority of the Member State where that restricted explosives precursor is going to be acquired, introduced, possessed or used.	
77	4. Member States shall, without delay, notify to the Commission all measures they take in order to implement the licensing regime provided for in paragraph 3. The notification shall set out the restricted explosives precursors in respect of which the Member State provides for a licensing regime in accordance with paragraph 3.	4. Member States shall, without delay, notify to the Commission all measures they take in order to implement the licensing regime provided for in paragraph 3. The notification shall set out the restricted explosives precursors in respect of which the Member State provides for a licensing regime in accordance with paragraph 3.	4. Member States shall, without delay, notify to the Commission all measures they take in order to implement the licensing regime provided for in paragraph 3. The notification shall set out the restricted explosives precursors in respect of which the Member State provides for a licensing regime in accordance with paragraph 3.	
78	5. The Commission shall make publicly available a list of measures notified by Member	5. The Commission shall make publicly available a list of measures notified by Member	5. The Commission shall make publicly available a list of measures notified by Member	

	States in accordance with paragraph 4.	States in accordance with paragraph 4.	States in accordance with paragraph 4.	
79	<i>Article 6</i>	<i>Article 6</i>	<i>Article 6</i>	
80	Licences	Licences	Licences	
81	1. Each Member State which issues licences to members of the general public with a legitimate interest to acquire, introduce, possess or use restricted explosives precursors shall lay down rules for granting the licence provided for in Article 5(3). When considering whether to grant a licence, the competent authority of the Member State shall take into account all relevant circumstances, in particular:	1. Each Member State which issues licences to members of the general public with a legitimate interest to acquire, introduce, possess or use restricted explosives precursors shall lay down rules for issuing granting the licence provided for in Article 5(3). When considering whether to issue grant a licence, the competent authority of the Member State shall take into account all relevant circumstances, in particular:	1. Each Member State which issues licences to members of the general public with a legitimate interest to acquire, introduce, possess or use restricted explosives precursors shall lay down rules for granting the licence provided for in Article 5(3). When considering whether to grant a licence, the competent authority of the Member State shall take into account all relevant circumstances, in particular:	GREEN CEU text
82	(a) the legitimacy of the intended use of the substance;	(a) <u>the demonstrable need for the restricted explosives precursor and</u> the legitimacy of the intended use of the substance ;	(a) the legitimacy of the intended use of the substance;	GREEN CEU text
83	(b) the availability of lower concentrations or alternative substances that would achieve a similar effect;	(b) the availability of lower concentrations or alternative substances that would achieve a similar effect;	(b) the availability of lower concentrations or alternative substances that would achieve a similar effect;	GREEN Cion text
84	(c) the background of the applicant, including information on previous criminal convictions	(c) the background of the applicant including information on previous criminal convictions	(c) the background of the applicant, including information on previous criminal convictions	GREEN Cion text

	of the applicant anywhere within the Union;	of the applicant anywhere within the Union;	of the applicant anywhere within the Union;	
85	(d) the proposed storage arrangements to ensure that the restricted explosives precursor is kept securely;	(d) the proposed storage arrangements to ensure that the restricted explosives precursor is kept securely;	(d) the proposed storage arrangements to ensure that the restricted explosives precursor is kept securely;	GREEN CEU text
86	2. The licence shall be refused if there are reasonable grounds for doubting the legitimacy of the intended use or the intentions of the user to use it for a legitimate purpose.	2. The licence shall be refused if there are reasonable grounds for doubting the legitimacy of the intended use or the intentions of the user to use <u>the explosives precursor</u> for a legitimate purpose.	2. The licence shall be refused if there are reasonable grounds for doubting the legitimacy of the intended use or the intentions of the user to use it for a legitimate purpose.	GREEN CEU text
87	3. The competent authority may choose how to limit the validity of the licence, through permitting single or multiple use for a period not exceeding three years. The competent authority may oblige the licence holder to demonstrate, until the designated expiry of the licence, that the conditions under which the licence was granted are still fulfilled. The licence shall mention the restricted explosives precursors in respect of which it is issued.	3. The competent authority may choose how to limit the validity of the licence, through permitting single or multiple use for a period not exceeding three years. The competent authority may oblige the licence holder to demonstrate until the designated expiry of the licence that the conditions under which the licence was <u>issued</u> granted are still fulfilled. The licence shall mention the restricted explosives precursors in respect of which it is issued.	3. The competent authority may choose how to limit the validity of the licence, through permitting single or multiple use for a period not exceeding three years. The competent authority may oblige the licence holder to demonstrate, until the designated expiry of the licence, that the conditions under which the licence was granted are still fulfilled. The licence shall mention the restricted explosives precursors in respect of which it is issued.	GREEN CEU text
88	4. The competent authorities may require applicants to pay a licence application fee. Such a	4. The competent authorities ies may require applicants to pay a licence application fee. Such a	4. The competent authorities may require applicants to pay a licence application fee. Such a	GREEN Cion text

	fee shall not exceed the cost of processing the application.	fee shall not exceed the cost of processing the application.	fee shall not exceed the cost of processing the application.	
89	5. The competent authority may suspend or revoke the licence where there are reasonable grounds for believing that the conditions under which the licence was granted are no longer fulfilled.	5. The competent authority may suspend or revoke the licence where there are reasonable grounds for believing that the conditions under which the licence was issued granted are no longer fulfilled.	5. The competent authority may suspend or revoke the licence where there are reasonable grounds for believing that the conditions under which the licence was granted are no longer fulfilled. <i>The competent authority shall inform licence holders of any suspension or revocation of their licences in due time. [Am. 13]</i>	GREEN - Compromise wording 5. The competent authority may suspend or revoke the licence where there are reasonable grounds for believing that the conditions under which the licence was issued are no longer fulfilled. <i>The competent authority shall inform licence holders of any suspension or revocation of their licences in due time, unless this would jeopardise current investigations.</i>
90	6. Appeals against any decision of the competent authority, and disputes concerning compliance with the conditions of the licence, shall be heard by an appropriate body responsible under national law.	6. Appeals against any decision of the competent authority, and disputes concerning compliance with the conditions of the licence, shall be heard by an appropriate body responsible under national law.	6. Appeals against any decision of the competent authority, and disputes concerning compliance with the conditions of the licence, shall be heard by an appropriate body responsible under national law.	GREEN CION text
91	7. A Member State with a licensing regime referred to in Article 5(3) may recognise licences granted by other Member States. Member States may use the	7. A Member State with a licensing regime referred to in Article 5(3) may recognise licences issued granted by other Member States. Member States may use the	7. A Member State with a licensing regime referred to in Article 5(3) may recognise licences granted by other Member States. Member States may use the	GREEN A Member State may recognise licences issued <u>under this Regulation</u> by other Member States. Member States may use the

	format for issuing a licence provided for in Annex III.	format for issuing a licence provided for in Annex III.	format for issuing a licence provided for in Annex III.	format for issuing a licence provided for in Annex III.
92			<i>7a. Mutual recognition of the licences issued by other Member States shall be done bilaterally by means of agreements among the competent authorities.</i> [Am. 14]	GREEN - No amd. at this place, but new recital 7a.
93	8. Information on previous criminal convictions in other Member States as referred to in paragraph 1, point (c), shall be obtained through the system established by Council Framework Decision 2009/315/JHA¹¹. Responses to requests for such information shall be provided by the central authorities referred to in Article 3 of that Framework Decision within 20 working days from the date the request was received. ¹¹ Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4.2009, p. 23).	8. <u>The competent authority shall obtain the</u> information on previous criminal convictions <u>of the applicant</u> in other Member States as referred to in <u>point (c)</u> of paragraph 1, point (e) shall be obtained through the system established by Council Framework Decision 2009/315/JHA¹¹. The central authorities referred to in Article 3 of that Framework Decision <u>shall</u>, within 20 10 working days from the date the request was received shall provide responses to requests for such information. ¹¹ Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4.2009, p. 23).	8. Information on previous criminal convictions in other Member States as referred to in paragraph 1, point (c), shall be obtained through the system established by Council Framework Decision 2009/315/JHA¹¹. Responses to requests for such information shall be provided by the central authorities referred to in Article 3 of that Framework Decision within 20 working days from the date the request was received. ¹¹ Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4.2009, p. 23).	GREEN CEU text
94	9. Licences issued by a Member	9. Licences issued by a Member	9. Licences issued by a Member	YELLOW - acceptance of

	State in accordance with Article 7 of Regulation (EC) No 98/2013 which are still valid on [<i>the day of entry into application of this Regulation</i>] shall lose their validity on that date. Each Member State may decide, upon request of the licence holder, to confirm, renew or prolong such licences issued in that Member State if the restricted explosives precursors can be subject to a license in accordance with the limit values set out in column 3 of Annex I and if the competent authority considers that the requirements for granting the licence as referred to in paragraph 1 are met. Such confirmation, renewal or prolongation should respect the time limit set in paragraph 3 of this Article.	State in accordance with Article 7 of Regulation (EC) No 98/2013 which are still valid on [<i>the day of entry into application of this Regulation</i>] shall lose their validity on that date. Each Member State may decide, upon request of the licence holder, to confirm, renew or prolong such licences issued in that Member State if the restricted explosives precursors can be subject to a license in accordance with the limit values set out in column 3 of Annex I and if the competent authority considers that the requirements for granting the licence as referred to in paragraph 1 are met. Such confirmation, renewal or prolongation should respect the time limit set in paragraph 3 of this Article.	State in accordance with Article 7 of Regulation (EC) No 98/2013 which are still valid on [the day of entry into application of this Regulation] shall lose their validity on that date. By ... [6 months after the date of entry into force of this Regulation], the competent authorities shall notify licence holders of the date on which their licences will cease to be valid. Each Member State may decide, upon request of the licence holder, to confirm, renew or prolong such licences issued in that Member State if the restricted explosives precursors can be subject to a license in accordance with the limit values set out in column 3 of Annex I and if the competent authority considers that the requirements for granting the licence as referred to in paragraph 1 are met. Such confirmation, renewal or prolongation should respect the time limit set in paragraph 3 of this Article. [Am. 15]	deletion to be confirmed by EP
95	Article 7	Article 7	Article 7	
96	Informing the supply chain	Informing the supply chain	Informing the supply chain	

97	1. An economic operator who makes available a restricted explosives precursor to another economic operator shall inform that economic operator that the acquisition, possession or use of that restricted explosives precursor by members of the general public is subject to a restriction as set out in Article 5(1) and (3).	1. An economic operator who makes available a restricted regulated explosives precursor to another economic operator shall proactively inform that economic operator that the acquisition, possession or use of that restricted regulated explosives precursor by members of the general public is subject to a restriction as set out in Article 5(1) and (3) <u>or a reporting obligation as set out in Article 9.</u>	1. An economic operator who makes available a restricted explosives precursor to another economic operator shall inform that economic operator that the acquisition, possession or use of that restricted explosives precursor by members of the general public is subject to a restriction as set out in Article 5(1) and (3) <i>and to the reporting obligations set out in Article 9.</i> [Am. 16]	YELLOW 1. An economic operator who makes available a restricted explosives precursor to another economic operator shall inform that economic operator that the acquisition, possession or use of that restricted explosives precursor by members of the general public is subject to a restriction as set out in Article 5(1) and (3). An economic operator who makes available a regulated explosives precursor to another economic operator shall inform that economic operator that the acquisition, possession or use of that regulated explosives precursor by members of the general public is subject to a <u>reporting obligation as set out in Article 9.</u>
98	2. An economic operator who makes available regulated	2. An economic operator who makes available regulated	2. An economic operator who makes available regulated	GREEN CEU text

	explosives precursors to a professional user or to a member of the general public in accordance with Article 5(3) shall ensure and be able to demonstrate to the competent authorities referred to in Article 11 that their personnel involved in the sale of regulated explosives precursors is:	explosives precursors to a professional user, to a farmer or to a member of the general public in accordance with Article 5(3) shall ensure and be able to demonstrate to the competent authorities referred to in Article 11 that their its personnel involved in the sale of regulated explosives precursors is:	explosives precursors to a professional user or to a member of the general public in accordance with Article 5(3) shall ensure and be able to demonstrate to the competent authorities referred to in Article 11 that their personnel involved in the sale of regulated explosives precursors is: [Am. 17]	
99	(a) aware of the fact that products that it offers and contain regulated explosives precursors;	(a) aware which of the fact that products that it offers and contain regulated explosives precursors;	(a) aware of the fact that products that it offers and contain regulated explosives precursors;	GREEN CEU text
100	(b) instructed regarding the obligations pursuant to Articles 5 to 9 of this Regulation.	(b) instructed regarding the obligations pursuant to Articles 5 to 9 of this Regulation.	(b) instructed regarding the obligations pursuant to Articles 5 to 9 of this Regulation.	
101	3. An online marketplace that acts as an intermediary shall take measures to ensure that its users, when making available restricted explosives precursors through its services, are informed of their obligations pursuant to this Regulation.	3. An online marketplace that acts as an intermediary shall take measures to ensure that its users, when making available regulated restricted explosives precursors through its services, are informed of their obligations pursuant to this Regulation.	3. An online marketplace that acts as an intermediary shall take measures to ensure that its users, when making available restricted regulated explosives precursors through its services, are informed of their obligations pursuant to this Regulation. [Am. 18]	GREEN CEU text
102			<i>3a. Any personal use of the regulated explosives precursors by economic operators or their staff shall be prohibited.</i> [Am. 19]	GREEN no amd. here -Instead of an amendment in the articles, see recital (10aa).

103	<i>Article 8</i>	<i>Article 8</i>	<i>Article 8</i>	
104	Verification upon sale	Verification upon sale	Verification upon sale	
105	1. An economic operator who makes available a restricted explosives precursor to a member of the general public in accordance with Article 5(3) shall for each transaction verify the proof of identity and licence in compliance with the regime established by the Member State where the restricted explosives precursor is made available.	1. An economic operator who makes available a restricted explosives precursor to a member of the general public in accordance with Article 5(3) shall for each transaction verify the proof of identity and licence <u>of that member of the general public</u> in compliance with the <u>licensing</u> regime established by the Member State where the restricted explosives precursor is made available- <u>and record the amount of the restricted explosives precursor on the licence.</u>	1. An economic operator who makes available a restricted explosives precursor to a member of the general public in accordance with Article 5(3) shall for each transaction verify the proof of identity and licence in compliance with the regime established by the Member State where the restricted explosives precursor is made available.	GREEN CEU text
106	2. For the purpose of verifying that a prospective customer is a professional user or a farmer, an economic operator who makes available a restricted explosives precursor to a professional user or a farmer shall for each transaction request the following:	2. For the purpose of verifying that a prospective customer is a professional user or <u>another economic operator,</u> an the economic operator who makes available a restricted explosives precursor to a professional user or a farmer <u>another economic operator</u> shall for each transaction request the following <u>information, unless such a verification for that prospective customer has</u>	2. For the purpose of verifying that a prospective <i>new</i> customer is a professional user or a farmer <i>an economic operator,</i> an economic operator who makes available a restricted explosives precursor to a professional user or a farmer <i>another economic operator</i> shall for each transaction request the following: [Am. 20]	GREEN CEU text

		<u>already occurred within a period of one year and the transaction does not significantly deviate from previous transactions:</u>		
107		<u>(aa) proof of identity of the individual entitled to represent the prospective customer;</u>		GREEN CEU text
108	(a) the trade, business, craft or profession of the prospective customer;	(a) the trade, business, craft or profession <u>together with the company name and the value added tax identification number or any other relevant company registration number, if any,</u> of the prospective customer;	(a) the trade, business, craft or profession <i>together with the company name and address</i> of the prospective <i>new</i> customer; [Am. 21]	GREEN Compromise from both wordings 1. (a) the trade, business, craft or profession <u>together with the company name, address and the value added tax identification number or any other relevant company registration number, if any,</u> of the prospective customer;
109	(b) the intended use of the restricted explosives precursors by the prospective customer.	(b) the intended use of the restricted explosives precursors by the prospective customer.	(b) the intended use of the restricted explosives precursors by the prospective customer.	GREEN CION text
110		<u>Member States may use the format for the customer's statement provided for in Annex IV.</u>		GREEN CEU text
111		<u>2a. For the purpose of verifying the intended use of the restricted explosives precursor, the economic</u>	<i>2a. For the purpose of verifying the intended use of the restricted explosives precursor, the economic operator shall assess</i>	GREEN CEU text

		<u>operator shall assess if the intended use is consistent with the trade, business or profession of the prospective customer. The transaction may be refused if there are reasonable grounds for doubting the validity of the intended use of the restricted explosives precursor. The economic operator shall report the suspicious or attempted transaction in accordance with Article 9.</u>	<i>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 in accordance with Article 9 of this Regulation. [Am. 22]</i>	
112	3. For the purpose of verifying compliance with this Regulation and detecting and preventing the illicit manufacture of explosives, economic operators shall retain the data referred to in paragraph 2, together with the name and address of the customer, for one year from the date of transaction. During that period, the data shall be made available for inspection at the request of the competent inspection authorities or law enforcement authorities.	3. For the purpose of verifying compliance with this Regulation and detecting and preventing the illicit manufacture of explosives, economic operators shall retain the information data referred to in paragraphs 1 and 2 , together with the name and address of the customer, for one two years from the date of transaction. During that period, the data information shall be made available for inspection at the request of the national competent inspection authorities or law enforcement authorities.	3. For the purpose of verifying compliance with this Regulation and detecting and preventing the illicit manufacture of explosives, economic operators shall retain the data referred to in paragraph 2, together with and the name and address of the customer, for one year from the date of transaction. During that period, the data shall be made available for inspection at the request of the competent inspection authorities or law enforcement authorities. [Am. 23]	RED, period for data retention to be agreed upon
113	4. An online marketplace that	4. An online marketplace that	4. An online marketplace that	GREEN CEU text

	acts as an intermediary shall take measures to help ensure that its users, when making available restricted explosives precursors through its service, comply with their obligations under this Article.	acts as an intermediary shall take measures to help ensure that its users, when making available restricted explosives precursors through its service, comply with their obligations under this Article.	acts as an intermediary shall take measures to help ensure that its users, when making available restricted explosives precursors through its service, comply with their obligations under this Article.	
114	<i>Article 9</i>	<i>Article 9</i>	<i>Article 9</i>	
115	Reporting of suspicious transactions, disappearances and thefts	Reporting of suspicious transactions, disappearances and thefts	Reporting of suspicious transactions, disappearances and thefts	
116			<i>-1. The reporting obligations set out in this Article shall cover the products that contain regulated explosives precursors which fulfil all of the following criteria:</i>	GREEN No amendment at this place.
117			<i>(a) the precursor is listed as an ingredient on the label or in the safety datasheet;</i>	GREEN No amendment at this place
118		2.	<i>(b) the precursor concentration is greater than 1% (or 3% N by weight for nitrogenous fertilisers);</i>	GREEN No amendment at this place
119			<i>(c) the extraction of the precursor is possible without complication. [Am. 24]</i>	GREEN No amendment at this place
120	1. For the purpose of detecting and preventing the illicit	1. For the purpose of detecting and preventing the illicit	1. For the purpose of detecting and preventing the illicit	GREEN CEU text 3. (acceptable to EP in

	manufacture of explosives, economic operators shall report transactions concerning regulated explosives precursors, including transactions involving professional users, where there are reasonable grounds for suspecting that the substance or mixture is intended for the illicit manufacture of explosives. Economic operators shall report such suspicious transactions after having regard to all the circumstances and in particular where the prospective customer displays one or more of the following:	manufacture of explosives, economic operators <u>and online marketplaces</u> shall report transactions concerning regulated explosives precursors, including transactions involving professional users, where there are reasonable grounds for suspecting that the substance or mixture is intended for the illicit manufacture of explosives. Economic operators <u>and online marketplaces</u> shall report such suspicious transactions after having regard to all the circumstances and in particular, where the prospective customer <u>acts in</u> displays one or more of the following <u>ways</u>:	manufacture of explosives, economic operators <i>and online marketplaces that act as an intermediary</i> shall report transactions concerning regulated explosives precursors, including transactions involving professional users, where there are reasonable grounds for suspecting that the substance or mixture is intended for the illicit manufacture of explosives. [Am. 25] Economic operators <i>and online marketplaces acting as an intermediary</i> shall report such suspicious transactions after having regard to all the circumstances and in particular where the prospective customer displays one or more of the following: [Am. 26]	the context of the new wording for recital 12b, first sentence) 4. 5. 6.
121	(a) appears unclear about the intended use of the regulated explosives precursors;	(a) appears unclear about the intended use of the regulated explosives precursors;	(a) appears unclear about the intended use of the regulated explosives precursors;	GREEN CION text
122	(b) appears unfamiliar with the intended use of the regulated explosives precursors or cannot plausibly explain it;	(b) appears unfamiliar with the intended use of the regulated explosives precursors or cannot plausibly explain it;	(b) appears unfamiliar with the intended use of the regulated explosives precursors or cannot plausibly explain it;	GREEN CION text
123	(c) intends to buy regulated	(c) intends to buy regulated	(c) intends to buy regulated	GREEN CION text

	explosives precursors in quantities, combinations or concentrations uncommon for legitimate use;	explosives precursors in quantities, combinations or concentrations uncommon for legitimate use;	explosives precursors in quantities, combinations or concentrations uncommon for legitimate use;	
124	(d) is unwilling to provide proof of identity, place of residence or, where appropriate, status as professional user or economic operator;	(d) is unwilling to provide proof of identity, place of residence or, where appropriate, status as professional user or economic operator;	(d) is unwilling to provide proof of identity, place of residence or, where appropriate, status as professional user or economic operator;	GREEN CION text
125	(e) insists on using unusual methods of payment, including large amounts of cash.	(e) insists on using unusual methods of payment, including large amounts of cash.	(e) insists on using unusual methods of payment, including large amounts of cash.	GREEN CION text
126	2. Economic operators, other than online marketplaces that act as an intermediary, shall have in place procedures to detect suspicious transactions, targeted to the environment in which the regulated explosives precursors are offered.	2. Economic operators and, other than online marketplaces that act as an intermediary, shall have in place <u>appropriate, reasonable and proportionate</u> procedures to detect suspicious transactions, targeted to the <u>specific</u> environment in which the regulated explosives precursors are offered. <u>Online marketplaces shall not be held liable, on the basis of this provision, for transactions that were not detected despite their due diligence.</u>	2. Economic operators, other than and online marketplaces that act as an intermediary, shall have in place procedures in place to detect suspicious transactions, targeted to the environment in which the regulated explosives precursors are offered. [Am. 27]	RED (second sentence of CEU text to be discussed)
127	3. Economic operators may refuse the suspicious transaction and shall report the suspicious	3. Economic operators and online marketplaces may refuse the suspicious transaction and	3. Economic operators <i>and online marketplaces that act as an intermediary</i> may refuse the	GREEN compromise wording

	transaction or attempted transaction within 24 hours, including if possible the identity of the customer, to the national contact point of the Member State where the suspicious transaction was concluded or attempted.	shall report the suspicious transaction or attempted transaction within 24 hours <u>of determining that it was suspicious</u> , including if possible the identity of the customer, to the national contact point of the Member State where the suspicious transaction was concluded or attempted.	suspicious transaction. <i>They</i> shall report the suspicious transaction or attempted transaction within 24 hours, including, if possible, the identity of the customer <i>and all the relevant details which have led them to consider a transaction suspicious</i> , to the national contact point of the Member State where the suspicious transaction was concluded or attempted. <i>Should an economic operator or online marketplace that acts as an intermediary be unable to report within 24 hours, it shall report without undue delay.</i> [Am. 28]	3. Economic operators <u>and online marketplaces</u> may refuse the suspicious transaction and shall report the suspicious transaction or attempted transaction within 24 hours <u>of determining that it was suspicious</u> , including if possible the identity of the customer <u>and all the relevant details which have led them to consider a transaction suspicious</u> , to the national contact point of the Member State where the suspicious transaction was concluded or attempted.
128	4. Each Member State shall set up one or more national contact points with a clearly identified telephone number and e-mail address for the reporting of suspicious transactions. The national contact points shall be available on a 24/7 basis.	4. Each Member State shall set up one or more national contact points with a clearly identified telephone number and e-mail address for the reporting of suspicious transactions. The national contact points shall be available <u>24 hours a day, seven days a week</u> on a 24/7 basis.	4. Each Member State shall set up one or more national contact points with a clearly identified telephone number and e-mail address, <i>web form or any other effective tool</i> for the reporting of suspicious transactions. The national contact points shall be available on a 24/7 basis. [Am. 29]	GREEN - Merger of Council and EP text 4. Each Member State shall set up one or more national contact points with a clearly identified telephone number and e-mail address, <i>web form or any other effective tool</i> for the reporting of suspicious transactions. The national contact points shall be available <u>24 hours a day, seven days a week</u> on a 24/7 basis.

129	5. Economic operators and professional users shall report significant disappearances and thefts of regulated explosives precursors to the national contact point of the Member State where the disappearance or theft has taken place. In deciding whether a disappearance or theft is significant, they shall take into account whether the amount is unusual in all circumstances of the case.	5. Economic operators and professional users shall report significant disappearances and thefts of regulated explosives precursors without undue delay <u>within 24 hours after detection</u> to the national contact point of the Member State where the disappearance or theft <u>took</u> has taken place. In deciding whether a disappearance or theft is significant, they shall take into account whether the amount is unusual in all circumstances of the case.	5. Economic operators and professional users shall report significant disappearances and thefts of regulated explosives precursors to the national contact point of the Member State where the disappearance or theft has taken place. In deciding whether a disappearance or theft is significant, they shall take into account whether the amount is unusual in all circumstances of the case.	GREEN CEU text
130	6. Members of the general public that have acquired restricted explosives precursors in accordance with Article 5(3) shall report significant disappearances and thefts of restricted explosives precursors to the national contact point of the Member State where the disappearance or theft has taken place.	6. Members of the general public that have acquired restricted explosives precursors in accordance with Article 5(3) shall report significant disappearances and thefts of restricted explosives precursors without undue delay <u>within 24 hours of their detection</u> to the national contact point of the Member State where the disappearance or theft <u>took</u> has taken place.	6. Members of the general public that have acquired restricted explosives precursors in accordance with Article 5(3) shall report significant disappearances and thefts of restricted explosives precursors to the national contact point of the Member State where the disappearance or theft has taken place.	GREEN CEU text
131	<i>Article 10</i>	<i>Article 10</i>	<i>Article 10</i>	
132	Training and awareness-raising	Training and awareness-raising	Training and awareness-raising	

133	1. Member States shall provide training for law enforcement, first responders and customs authorities to recognise regulated explosives precursors substances and mixtures during the course of their duties and to react in a timely and appropriate manner to suspicious activity.	1. Member States shall <u>ensure adequate resources for and the provision of</u> provide training for law enforcement <u>authorities</u> , first responders and customs authorities to recognise regulated explosives precursors substances and mixtures <u>in during</u> the course of their duties and to react in a timely and appropriate manner to <u>a</u> suspicious activity.	1. Member States shall provide training for law enforcement, first responders and customs authorities to recognise regulated explosives precursors substances and mixtures during the course of their duties and to react in a timely and appropriate manner to suspicious activity. <i>Member States may request additional specific trainings from the European Union Agency for Law Enforcement Training (CEPOL).</i> [Am. 30]	GREEN- Merger of both Council and EP amendments 1. Member States shall <u>ensure adequate resources for and the provision of</u> provide training for law enforcement <u>authorities</u> , first responders and customs authorities to recognise regulated explosives precursors substances and mixtures <u>in during</u> the course of their duties and to react in a timely and appropriate manner to <u>a</u> suspicious activity. <i>Member States may request additional specific trainings from the European Union Agency for Law Enforcement Training (CEPOL).</i>
134	2. Member States shall organise, at least twice a year, awareness-raising actions, targeted to the specificities of each different sector using regulated explosives precursors.	2. Member States shall organise, at least <u>once</u> twice a year, awareness-raising actions, targeted to the specificities of each different sector using regulated explosives precursors.	2. Member States shall organise, at least twice a year, awareness-raising actions, targeted to the specificities of each different sector using regulated explosives precursors.	GREEN CEU text
135			<i>2a. With a view to facilitating cooperation and ensuring that all stakeholders effectively implement this Regulation, Member States shall organise</i>	GREEN EP text, but delete: "that act as an intermediary"

			<i>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. [Am. 31]</i>	
136	Article 11	Article 11	Article 11	
137	National inspection authorities	National inspection authorities	National inspection authorities	
138	1. Each Member State shall ensure that competent authorities are in place for inspection and controls for the correct application of Articles 4 to 9 of this Regulation.	1. Each Member State shall ensure that competent authorities are in place for inspection and controls for of the correct application of Articles 4 5 to 9 of this Regulation.	1. Each Member State shall ensure that competent authorities are in place for inspection and controls for the correct application of Articles 4 to 9 of this Regulation.	GREEN CEU text
139	2. Each Member State shall ensure that the competent authorities referred to in paragraph 1 have the investigative powers necessary to	2. Each Member State shall ensure that the competent authorities referred to in paragraph 1 have the resources and investigative powers	2. Each Member State shall ensure that the competent authorities referred to in paragraph 1 have the investigative powers necessary to	GREEN - Compromise 7. 2. Each Member State shall ensure that the competent authorities referred to in paragraph 1 have the resources

	ensure the proper administration of their tasks.	necessary to ensure the proper administration of their tasks.	ensure the proper administration of their tasks.	<u>and</u> investigative powers necessary to ensure the proper administration of their tasks under this Regulation .
140	3. Each Member State shall place adequate resources at the disposal of the competent authorities referred to in paragraph 1 to enable them, together with any other available resources, to fulfil their tasks under this Regulation in a timely and effective manner.	3. Each Member State shall place adequate resources at the disposal of the competent authorities referred to in paragraph 1 to enable them, together with any other available resources, to fulfil their tasks under this Regulation in a timely and effective manner.	3. Each Member State shall place adequate resources at the disposal of the competent authorities referred to in paragraph 1 to enable them, together with any other available resources, to fulfil their tasks under this Regulation in a timely and effective manner.	GREEN - CEU text
141	<i>Article 12</i>	<i>Article 12</i>	<i>Article 12</i>	
142	Guidelines	Guidelines	Guidelines	
143	1. The Commission shall regularly update, after consulting the Standing Committee on Precursors, guidelines to assist the chemical supply chain and, where relevant, the competent authorities to facilitate cooperation between the competent authorities and economic operators. The guidelines shall, in particular, provide:	1. The Commission shall regularly update, after consulting the Standing Committee on Precursors, guidelines to assist actors in the chemical supply chain and, where relevant, the competent authorities to facilitate cooperation between the competent authorities and economic operators. The guidelines shall, in particular, provide:	1. The Commission shall regularly update, after consulting the Standing Committee on Precursors, guidelines to assist the chemical supply chain and, where relevant, the competent authorities to facilitate cooperation between the competent authorities and economic operators. The guidelines shall, in particular, provide:	GREEN - CEU text
144	(a) information on how to conduct inspections;	(a) information on how to conduct inspections;	(a) information on how to conduct inspections;	GREEN - Cion text

145	(b) information on how to apply the restrictions and controls of the Regulation to regulated explosives precursors ordered at a distance by members of the general public or professional users;	(b) information on how to apply the restrictions and controls of the this Regulation to regulated explosives precursors ordered at a distance by members of the general public or professional users;	(b) information on how to apply the restrictions and controls of the Regulation to regulated explosives precursors ordered at a distance by members of the general public or professional users;	GREEN - CEU text
146	(c) information on possible measures to be adopted by online marketplaces that act as an intermediary to ensure compliance with this Regulation;	(c) information on possible measures to be adopted by online marketplaces that act as an intermediary to ensure compliance with this Regulation;	(c) information on possible measures to be adopted by online marketplaces that act as an intermediary to ensure compliance with this Regulation;	GREEN - CEU text
147	(d) information on how to exchange relevant information between competent authorities and national contact points and between Member States;	(d) information on how to exchange relevant information between the competent authorities and the national contact points and between Member States;	(d) information on how to exchange relevant information between competent authorities and national contact points and between Member States;	GREEN - CEU text
148			<i>(da) information on how to recognise and report suspicious transactions; [Am. 32]</i>	GREEN EP text
149			<i>(db) information on storage arrangements which ensure that a regulated explosives precursor is safely stored; [Am. 33]</i>	GREEN EP text
150	(e) other information which may be deemed useful.	(e) other information, which may be deemed useful.	(e) other information which may be deemed useful.	GREEN Cion text
151	2. The competent authorities	2. The competent authorities	2. The competent authorities	GREEN Cion text

	shall ensure that the guidelines provided for in paragraph 1 are regularly disseminated in a manner deemed appropriate by the competent authorities in accordance with the objectives of the guidelines.	shall ensure that the guidelines provided for in paragraph 1 are regularly disseminated in a manner deemed appropriate by the competent authorities in accordance with the objectives of the guidelines.	shall ensure that the guidelines provided for in paragraph 1 are regularly disseminated in a manner deemed appropriate by the competent authorities in accordance with the objectives of the guidelines.	
152		<u>3. The Commission shall ensure that the guidelines referred to in paragraph 1 are available in all official languages of the European Union.</u>	<i>2a. The Commission shall ensure that the guidelines provided for in paragraph 1 are in all official languages of the Union. [Am. 34]</i>	GREEN - CEU text
153	<i>Article 13</i>	<i>Article 13</i>	<i>Article 13</i>	
154	Penalties	Penalties	Penalties	
155	Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	GREEN Cion text
156	<i>Article 14</i>	<i>Article 14</i>	<i>Article 14</i>	
157	Safeguard clause	Safeguard clause	Safeguard clause	
158	1. Where a Member State has reasonable grounds for believing that a specific substance not listed in the Annex I or II could	1. Where a Member State has reasonable grounds for believing that a specific substance not listed in the Annex I or II could	1. Where a Member State has reasonable grounds for believing that a specific substance not listed in the Annex I or II could	GREEN CEU text

	be used for the illicit manufacture of explosives, it may restrict or prohibit the making available, possession and use of that substance, or of any mixture or substance containing it, or it may provide that the substance be subject to the reporting of suspicious transactions in accordance with Article 9.	be used for the illicit manufacture of explosives, it may restrict or prohibit the making available, possession and use of that substance, or of any mixture or substance containing it, or it may provide that the substance be subject to the reporting of suspicious transactions in accordance with Article 9.	be used for the illicit manufacture of explosives, it may restrict or prohibit the making available, possession and use of that substance, or of any mixture or substance containing it, or it may provide that the substance be subject to the reporting of suspicious transactions in accordance with Article 9.	
159	2. Where a Member State has reasonable grounds for believing that a specific substance listed in Annex I could be used for the illicit manufacture of explosives, at a concentration lower than the limit values laid down in column 2 or 3 of Annex I, it may further restrict or prohibit the making available, possession and use of that substance by imposing a lower concentration limit value.	2. Where a Member State has reasonable grounds for believing that a specific substance listed in Annex I could be used for the illicit manufacture of explosives, at a concentration <u>equal to or lower than the limit values set out laid down</u> in column 2 or 3 of <u>the table in</u> Annex I, it may further restrict or prohibit the making available, possession and use of that substance by imposing a lower concentration limit value.	2. Where a Member State has reasonable grounds for believing that a specific substance listed in Annex I could be used for the illicit manufacture of explosives, at a concentration lower than the limit values laid down in column 2 or 3 of Annex I, it may further restrict or prohibit the making available, possession and use of that substance by imposing a lower concentration limit value.	GREEN CEU text
160	3. Where a Member State has reasonable grounds for establishing a concentration limit value above which a substance listed in Annex II should be subject to the restrictions	3. Where a Member State has reasonable grounds for establishing a concentration limit value above which a substance listed in Annex II should be subject to the restrictions	3. Where a Member State has reasonable grounds for establishing a concentration limit value above which a substance listed in Annex II should be subject to the restrictions	GREEN CEU text

	otherwise applying to restricted explosives precursors, it may restrict or prohibit the making available, possession and use of that substance by imposing a maximum permitted concentration.	otherwise applying to restricted explosives precursors, it may restrict or prohibit the making available, possession and use of that substance by imposing a maximum permitted concentration.	otherwise applying to restricted explosives precursors, it may restrict or prohibit the making available, possession and use of that substance by imposing a maximum permitted concentration.	
161	4. A Member State restricting or prohibiting substances in accordance with paragraph 1, 2 or 3 shall immediately inform the Commission and the other Member States thereof, giving its reasons.	4. A Member State restricting or prohibiting substances in accordance with paragraph 1, 2 or 3 shall immediately inform the Commission and the other Member States thereof, giving its reasons.	4. A Member State restricting or prohibiting substances in accordance with paragraph 1, 2 or 3 shall immediately inform the Commission and the other Member States thereof, giving its reasons.	GREEN Cion text
162			<i>4a. The national contact point of the Member State restricting or prohibiting substances in accordance with paragraph 1, 2 or 3 shall inform economic operators and online marketplaces that act as intermediary in the territory of that Member State of such restrictions or prohibitions. [Am. 35]</i>	YELLOW compromise wording to be confirmed <i>4a. The national contact point of the Member State restricting or prohibiting substances in accordance with paragraph 1, 2 or 3 shall raise awareness among economic operators and online marketplaces that act as intermediary in the territory of that Member State of such restrictions or prohibitions</i>
163	5. In the light of the information communicated pursuant to paragraph 4, the Commission shall immediately examine whether to prepare amendments	5. In the light of the information communicated pursuant to paragraph 4, the Commission shall immediately examine whether to prepare amendments	5. In the light of the information communicated pursuant to paragraph 4, the Commission shall immediately examine whether to prepare amendments	GREEN Cion text

	to the Annexes in accordance with Article 15(1) or to prepare a legislative proposal to amend the Annexes. The Member State concerned shall, where appropriate, amend or repeal its national measures to take account of any such amendment to the Annexes.	to the Annexes in accordance with Article 15(1) or to prepare a legislative proposal to amend the Annexes. The Member State concerned shall, where appropriate, amend or repeal its national measures to take account of any such amendment to the Annexes.	to the Annexes in accordance with Article 15(1) or to prepare a legislative proposal to amend the Annexes. The Member State concerned shall, where appropriate, amend or repeal its national measures to take account of any such amendment to the Annexes.	
164	6. Without prejudice to paragraph 5, the Commission may, after consulting the Member State and, if appropriate, third parties, decide that the measure taken by the Member State is not justified and request the Member State to withdraw it.	6. Without prejudice to paragraph 5, the Commission may, after consulting the Member State and, if appropriate, third parties, decide <u>take a decision within 60 days of receipt of the information from the Member State</u> , that the measure taken by the Member State is not justified, and <u>require</u> request the Member State to withdraw it <u>revoke or amend the provisional measure</u> .	6. Without prejudice to paragraph 5, the Commission may, after consulting the Member State and, if appropriate, third parties, decide that the measure taken by the Member State is not justified and request the Member State to withdraw it. <i>The national contact point of the Member State concerned shall inform economic operators and online marketplaces that act as an intermediary in the territory of that Member State of the decision.</i> [Am. 36]	YELLOW compromise wording to be confirmed 6. Without prejudice to paragraph 5, the Commission may, after consulting the Member State and, if appropriate, third parties, decide <u>take a decision within 60 days of receipt of the information from the Member State</u> , that the measure taken by the Member State is not justified, and <u>require</u> request the Member State to withdraw it <u>revoke or amend the provisional measure</u> . <i>The Member State concerned shall raise awareness among economic operators and online marketplaces in the territory of that Member State of such decisions.</i>
165		<u>7. Measures previously notified</u>		GREEN - Compromise

		<u>by Member States to the Commission under Article 13(6) of Regulation (EU) No 98/2013 shall be unaffected by this Article.</u>		wording <u>Measures notified to the Commission by Member States prior to [the date of application] under Article 13(6) of Regulation (EU) No 98/2013 shall be unaffected by this Article.</u>
166	<i>Article 15</i>	<i>Article 15</i>	<i>Article 15</i>	
167	Amendments to the Annexes	Amendments to the Annexes	Amendments to the Annexes	
168	1. The Commission shall adopt delegated acts in accordance with Article 16 concerning the addition of substances to Annex I and changes of the limit values in Annex I to the extent necessary to accommodate developments in the misuse of substances as explosives precursors, or on the basis of research and testing, as well as concerning the addition of substances to Annex II, where necessary to accommodate developments in the misuse of substances as explosives precursors. The Commission shall, as part of the preparation of the delegated acts, consult relevant stakeholders, in particular the chemical industry and the retail sector.	1. The Commission shall adopt delegated acts in accordance with Article 16 concerning the addition of substances to Annex I and: a) changes of the limit values in Annex I to the extent necessary in order to accommodate developments in the misuse of substances as explosives precursors, or on the basis of research and testing, b) as well as concerning the addition of adding substances to Annex II, where necessary to accommodate developments in the misuse of substances as explosives precursors.	1. The Commission shall adopt delegated acts in accordance with Article 16 concerning the addition of substances to Annex I and changes of the limit values in Annex I to the extent necessary to accommodate developments in the misuse of substances as explosives precursors, or on the basis of research and testing, as well as concerning the addition of substances to Annex II, where necessary to accommodate developments in the misuse of substances as explosives precursors. The Commission shall, as part of the preparation of the delegated acts, consult relevant stakeholders, in particular the chemical industry and the retail sector.	RED - political open issue

		The Commission shall, as part of the preparation of the delegated acts, consult relevant stakeholders, in particular the chemical industry and the retail sector.		
169	Where, in the case of a sudden change in the risk assessment as far as the misuse of substances for the illicit manufacture of explosives is concerned, imperative grounds of urgency so require, the procedure provided for in Article 17 shall apply to delegated acts adopted pursuant to this Article.	Where, in the case of a sudden change in the risk assessment as far as the misuse of substances for the illicit manufacture of explosives is concerned, imperative grounds of urgency so require, the procedure provided for in Article 17 shall apply to delegated acts adopted pursuant to this Article.	Where, in the case of a sudden change in the risk assessment as far as the misuse of substances for the illicit manufacture of explosives is concerned, imperative grounds of urgency so require, the procedure provided for in Article 17 shall apply to delegated acts adopted pursuant to this Article.	
170	2. The Commission shall adopt a separate delegated act in respect of each addition of substances to Annex I and each change of the limit values in Annex I and each new substance added to Annex II. Each delegated act shall be based on an analysis demonstrating that the amendment is not likely to lead to disproportionate burdens on economic operators or consumers, having due regard to the objectives sought to be achieved.	2. The Commission shall adopt a separate delegated act in respect of each addition of substances to Annex I and each change of the limit values in Annex I and each new substance added to Annex II. Each delegated act shall be based on an analysis demonstrating that the amendment is not likely to lead to disproportionate burdens on economic operators or consumers, having due regard to the objectives sought to be achieved.	2. The Commission shall adopt a separate delegated act in respect of each addition of substances to Annex I and each change of the limit values in Annex I and each new substance added to Annex II. Each delegated act shall be based on an analysis demonstrating that the amendment is not likely to lead to disproportionate burdens on economic operators or consumers, having due regard to the objectives sought to be achieved.	RED - political open issue

171	<i>Article 16</i>	<i>Article 16</i>	<i>Article 16</i>	
172	<i>Exercise of the delegation</i>	<i>Exercise of the delegation</i>	<i>Exercise of the delegation</i>	
173	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
174	2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for a period of five years from [entry into force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for a period of five years from [entry into force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for a period of five years from [entry into force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
175	3. The delegation of power referred to in Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation	3. The delegation of power referred to in Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation	3. The delegation of power referred to in Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation	

	of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
176	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making of 13 April 2016 .	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	GREEN - CEU text
177	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
178	6. A delegated act adopted pursuant to Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the	6. A delegated act adopted pursuant to Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the	6. A delegated act adopted pursuant to Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the	

	expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
179	<i>Article 17</i>	<i>Article 17</i>	<i>Article 17</i>	
180	<i>Urgency procedure</i>	<i>Urgency procedure</i>	<i>Urgency procedure</i>	
181	1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.	1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.	1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.	
182	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 16(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 16(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 16(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the	

	Council.	Council.	Council.	
183	<i>Article 18</i>	<i>Article 18</i>	<i>Article 18</i>	
184	Amendment of Annex XVII to Regulation (EC) No 1907/2006	Amendment of Annex XVII to Regulation (EC) No 1907/2006	Amendment of Annex XVII to Regulation (EC) No 1907/2006	GREEN - CEU text
185	In Annex XVII to Regulation (EC) No 1907/2006, in entry 58 of the table setting out the designation of the substances, groups of substances and mixtures and the conditions of restriction, in the column 2, paragraphs 2 and 3 are deleted.	In Annex XVII to Regulation (EC) No 1907/2006, in entry 58. <u>Ammonium nitrate (AN)</u> of the table setting out the designation of the substances, groups of substances and mixtures and the conditions of restriction, in the column 2, paragraphs 2 and 3 <u>in column 2,</u> are deleted.	In Annex XVII to Regulation (EC) No 1907/2006, in entry 58 of the table setting out the designation of the substances, groups of substances and mixtures and the conditions of restriction, in the column 2, paragraphs 2 and 3 are deleted.	GREEN - CEU text
186	<i>Article 19</i>	<i>Article 19</i>	<i>Article 19</i>	
187	Repeal of Regulation (EU) No 98/2013	Repeal of Regulation (EU) No 98/2013	Repeal of Regulation (EU) No 98/2013	
188	1. Regulation (EU) No 98/2013 is repealed from [<i>date of application</i>].	1. Regulation (EU) No 98/2013 is repealed <u>with effect</u> from [<i>date of application of this Regulation</i>].	1. Regulation (EU) No 98/2013 is repealed from [<i>date of application</i>].	GREEN - CEU text
189	2. References to Regulation (EU) No 98/2013 shall be construed as references to this Regulation.	2. References to <u>the repealed</u> Regulation (EU) No 98/2013 shall be construed as references to this Regulation.	2. References to Regulation (EU) No 98/2013 shall be construed as references to this Regulation.	GREEN - CEU text
190	<i>Article 20</i>	<i>Article 20</i>	<i>Article 20</i>	
191	Reporting	Reporting	Reporting	
192	1. Member States shall report to	1. Member States shall report to	1. Member States shall report to	GREEN - CEU text

	the Commission [<i>one year after the date of application</i>] and subsequently on an annual basis, the following information:	the Commission [<i>one year after the date of application of this Regulation</i>] and subsequently on an annual basis, the following information:	the Commission [<i>one year after the date of application</i>] and subsequently on an annual basis, the following information:	
193	(a) the number of reported suspicious transactions, disappearances and thefts respectively;	(a) the number of reported suspicious transactions, significant disappearances and thefts respectively;	(a) the number of reported suspicious transactions, disappearances and thefts respectively;	GREEN - CEU text
194	(b) the number of licence applications received as referred to in Article 5(3), as well as the number of licences provided, and the most common reasons for refusing to grant licenses;	(b) the number of licence applications received as referred to in Article 5(3), as well as the number of licences issued provided , and the most common reasons for refusing to issue grant licences;	(b) the number of licence applications received as referred to in Article 5(3), as well as the number of licences provided, and the most common reasons for refusing to grant licenses;	GREEN - CEU text
195	(c) information on awareness-raising actions as referred to Article 10(2);	(c) information on awareness-raising actions as referred to Article 10(2);	(c) information on awareness-raising actions as referred to Article 10(2);	
196	(d) information on inspections carried out as referred to in Article 11, including the number of inspections and economic operators covered.	(d) information on inspections carried out as referred to in Article 11, including the number of inspections and economic operators covered.	(d) information on inspections carried out as referred to in Article 11, including the number of inspections and economic operators covered.	
197	2. Member States shall, in submitting the information referred to in paragraph 1(a), (c) and (d) to the Commission, distinguish which reports, actions and inspections relate to on- and	2. Member States shall, in submitting the information referred to in points paragraph 1 (a), (c) and (d) of paragraph 1 to the Commission, distinguish which reports, actions and	2. Member States shall, in submitting the information referred to in paragraph 1(a), (c) and (d) to the Commission, distinguish which reports, actions and inspections relate to on- and	GREEN - CEU text

	offline activities.	inspections relate to on- and offline activities.	offline activities.	
198	<i>Article 21</i>	<i>Article 21</i>	<i>Article 21</i>	
199	Monitoring programme	Monitoring programme	Monitoring programme	
200	By [<i>one year after the entry into force</i>] at the latest, the Commission shall establish a detailed programme for monitoring the outputs, results and impacts of this Regulation.	By [<i>one year after the entry into force of this Regulation</i>] at the latest, the Commission shall establish a detailed programme for monitoring the outputs, results and impacts of this Regulation.	By [<i>one year after the entry into force</i>] at the latest, the Commission shall establish a detailed programme for monitoring the outputs, results and impacts of this Regulation.	GREEN - CEU text
201	The monitoring programme shall set out the means by which and the intervals at which the data and other necessary evidence are to be collected. It shall specify the action to be taken by the Commission and by the Member States in collecting and analysing the data and other evidence.	The monitoring programme shall set out the means by which and the intervals at which the data and other necessary evidence are to be collected. It shall specify the action to be taken by the Commission and by the Member States in collecting and analysing the data and other evidence.	The monitoring programme shall set out the means by which and the intervals at which the data and other necessary evidence are to be collected. It shall specify the action to be taken by the Commission and by the Member States in collecting and analysing the data and other evidence.	
202	Member States shall provide the Commission with the data and other evidence necessary for the monitoring.	Member States shall provide the Commission with the data and other evidence necessary for the monitoring.	Member States shall provide the Commission with the data and other evidence necessary for the monitoring.	
203	<i>Article 22</i>	<i>Article 22</i>	<i>Article 22</i>	
204	Evaluation	Evaluation	Evaluation	
205	No sooner than [six years after the date of application of this	No sooner than By [insert the date: six <u>five</u> years after the date	By ... [four years after entry into force of this Regulation], the	YELLOW - linked to decision on Article 23.

	Regulation], the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines.	<i>of application of this Regulation</i>], the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines.	Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines.	
206	Member States shall provide the Commission with the information necessary for the preparation of that report.	Member States shall provide the Commission with the information necessary for the preparation of that report.	Member States shall provide the Commission with the information necessary for the preparation of that report.	GREEN - Cion text
207	Article 23	Article 23	Article 23	
208	Entry into force	Entry into force and application	Entry into force	GREEN - CEU text
209	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	GREEN- identical
210	2. It shall apply from [<i>one year after the date of entry into force</i>].	2. It shall apply from [24 months one year after the date of entry into force]. <u>This Regulation shall be binding in its entity and</u>	2. It shall apply from [<i>one year after the date of entry into force</i>].	RED - to be discussed. Possible compromise suggestion would be <u>18 months.</u>

		<u>directly applicable in all Member States.</u>		
211		<u>3. Notwithstanding paragraph 2, licences validly issued under Regulation (EU) No. 98/2013 shall remain valid until the date originally stated by the competent authority that issued the licence, or 18 months [after the date of application of this Regulation], whichever is the sooner.</u>		YELLOW - Compromise suggestion <u>3. Notwithstanding paragraph 2, licences validly issued under Regulation (EU) No. 98/2013 shall remain valid until the date originally stated by the competent authority that issued the licence, or 12 months [after the date of application of this Regulation], whichever is the sooner.</u>
212		<u>4. Any applications for the renewal of such licences made after the date of application of this Regulation shall be made in accordance with this Regulation.</u>		GREEN - CEU text
213		<u>5. Notwithstanding Article 5 paragraph 1, possession and use by members of the general public of restricted explosives precursors legally acquired before [date of application of this Regulation] shall be allowed until 18 months after the [date of application of this Regulation].</u>		YELLOW - Compromise suggestion <u>5. Notwithstanding Article 5 paragraph 1, possession and use by members of the general public of restricted explosives precursors legally acquired before [date of application of this Regulation] shall be allowed until 12 months after</u>

				<u>the /date of application of this Regulation/.</u>
214	Done at Strasbourg, <i>For the European Parliament</i> <i>The President</i> <i>For the Council</i> <i>The President</i>	Done at Strasbourg, <i>For the European Parliament</i> <i>The President</i> For the Council The President	Done at Strasbourg, <i>For the European Parliament</i> <i>The President</i> For the Council The President	

ANNEX I**RESTRICTED EXPLOSIVES PRECURSORS**

Substances which shall not be made available to, or introduced, possessed or used by; members of the general public on their own, or in mixtures or substances including them, except if the concentration is equal to or lower than the limit values set out in column 2, **and for which suspicious transactions are to be reported within 24 hours:**

1. Name of the substance and Chemical Abstracts Service Registry number (CAS RN)	2. Limit value	3. Upper limit value for the purpose of licensing under Article 5(3)	4. Combined Nomenclature (CN) code for a separate chemically defined compound meeting the requirements of Note 1 to Chapter 28 or 29 of the CN, respectively (1)	5. Combined Nomenclature (CN) code for a mixture without constituents (e.g. mercury, precious or rare-earth metals or radioactive substances) which would determine classification under another CN code (1)
Nitric acid (CAS RN 7697-37-2)	3 % w/w	10% w/w	ex 2808 00 00	ex 3824 99 96
Hydrogen peroxide (CAS RN 7722-84-1)	12 % w/w	35 % w/w	2847 00 00	ex 3824 99 96
Sulphuric acid (CAS RN 7664-93-9)	15 % w/w	40% w/w	ex 2807 00 00	ex 3824 99 96
Nitromethane (CAS RN 75-52-5)	16 % w/w	40% w/w <u>100%w/w</u>	ex 2904 20 00	ex 3824 99 92
Ammonium nitrate (CAS RN 6484-52-2)	16 % by weight of nitrogen in relation to ammonium nitrate (2)	<u>No licensing permitted</u> N/A	3102 30 10 (in aqueous solution) 3102 30 90 (other)	ex 3824 99 96
Potassium chlorate (CAS RN 3811-04-9)	40 % w/w	<u>No licensing permitted</u> N/A	ex 2829 19 00	ex 3824 99 96

Potassium perchlorate (CAS RN 7778-74-7)	40 % w/w	<u>No licensing permitted</u> N/A	ex 2829 90 10	ex 3824 99 96
Sodium chlorate (CAS RN 7775-09-9)	40 % w/w	<u>No licensing permitted</u> N/A	2829 11 00	ex 3824 99 96
Sodium perchlorate (CAS RN 7601-89-0)	40 % w/w	<u>No licensing permitted</u> N/AS	ex 2829 90 10	ex 3824 99 96

(1) Commission Implementing Regulation (EU) No 2017/1925 of 12 October 2017 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 282, 31.10.2017, p. 1). Subsequent amendments of Annex I to Regulation (EC) No 2658/87 should be consulted as regards updated CN codes.

(2) **16 % by weight of nitrogen in relation to ammonium nitrate corresponds to 45,7% Ammonium nitrate, discarding impurities.** ~~Ammonium nitrate can only be made available to, or introduced, possessed or used by, members of the general public on its own, or in mixtures or substances including it in concentrations lower than 16% by weight of nitrogen in relation to ammonium nitrate.~~

REPORTABLE EXPLOSIVES PRECURSORS

Substances on their own or in mixtures for which suspicious transactions **are to** ~~shall~~ be reported **within 24 hours:**

1. Name of the substance and Chemical Abstracts Service Registry number (CAS RN)	2. Combined Nomenclature (CN) code (1)	3. Combined Nomenclature (CN) code for mixtures without constituents (e.g. mercury, precious or rare-earth metals or radioactive substances) which would determine classification under another CN code (1)
Hexamine (CAS RN 100-97-0)	ex 2933 69 40	ex 3824 99 93
Acetone (CAS RN 67-64-1)	2914 11 00	ex 3824 99 92
Potassium nitrate (CAS RN 7757-79-1)	2834 21 00	ex 3824 99 96
Sodium nitrate (CAS RN 7631-99-4)	3102 50 00	ex 3824 99 96
Calcium nitrate (CAS RN 10124-37-5)	ex 2834 29 80	ex 3824 99 96
Calcium nitrate (CAS RN 15245-12-2)	ex 3102 60 00	ex 3824 99 96
Magnesium, <i>powders</i> (CAS RN 7439-95-4) (2) (3)	ex 8104 30 00	
Magnesium nitrate hexahydrate (CAS RN 13446-18-9)	ex 2834 29 80	ex 3824 99 96
Aluminium, <i>powders</i> (CAS RN 7429-90-5) (2) (3)	7603 10 00 ex 7603 20 00	

(1) Commission Implementing Regulation (EU) No 2017/1925 of 12 October 2017 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 282, 31.10.2017, p. 1). Subsequent amendments of Annex I to Regulation (EC) No 2658/87 should be consulted as regards updated CN codes.

(2) With a particle size less than 200 µm.

(3) As a substance or in mixtures containing 70 % or more, by weight, of aluminium and/or magnesium.

FORMAT FOR A LICENCE

Format for a document proving possession of a licence for a member of the general public to acquire, introduce, possess and use restricted explosives precursors, as referred to in Article 6(7).

1. Member of the general public (Name and address) Name: Identification Document Number: Address: Country: Tel.: Email:
2. Licence Number:
3. Licence for single use or multiple use <i>please tick</i> ☐ single purchase, introduction, possession and use of a restricted precursor name of precursor(s): maximum amount: maximum concentration: licensed use: ☐ multiple purchase, introduction, possession and use of a restricted precursor name of precursor(s): maximum amount in possession at any time: maximum concentration: licensed use:
4. If different than box 1 and required by national law, address where the precursor(s) will be stored:
5. If different than box 1 and required by national law, address where the precursor(s) will be used:
5a. Indicate whether the precursor(s) are intended to be introduced or used (or both) in a Member State different from that issuing this licence or outside of the European Economic Area ☐ Yes ☐ No Address: Timeframe for the introduction or use (or both) of precursor(s):
6. Written consent to the acquisition, introduction, possession and use of restricted precursor(s) in block 3 by [name country]: Name of the competent authority: Valid from: _____ until: _____ Special requirements applicable to this licence: ☐ yes, this licence is only valid with the special requirements attached to this licence ☐ No <u>Date</u> , Stamp and/or signature:

7. Record of Acquisitions

<u>Date</u>	<u>Commercial name of product</u>	<u>Actual restricted explosives precursor and its concentration (%)</u>	<u>Quantity (kg or l)</u>	<u>Retailer and location</u>	<u>Sales assistant name</u>	<u>Signature of sales assistant</u>

CUSTOMER'S STATEMENT

concerning the specific use or uses of an Annex I substance or mixture containing it in relation to the Regulation (EU) No. /No. / on the marketing and use of explosives precursors

(Fill in capital letters)

The undersigned,

Name (customer): _____

Proof of identity (number, issuing authority): _____

Authorised representative of:

Company (principal): _____

Value added tax or any other company identification number:/** **Address**

Trade/business/profession: _____

<u>Trade name (commercial product)</u>	<u>Substance listed in Annex 1 of [this Regulation]</u>	<u>CAS No.</u>	<u>Amount (kg/litre)</u>	<u>Concentration</u>	<u>Intended use</u>

I hereby declare that the commercial product and the substance or mixture that it contains shall be used only for the indicated use, which is in any case legitimate, and will be sold or delivered to another customer only if they make a similar declaration of use, respecting the restrictions established in [this Regulation (EU) No. ...] for the making available to individuals.

Signature: _____ **Name:** _____

Function: _____ **Date:** _____

(*) You can add the required rows in the table of substances.

(**) You can verify the validity of a VAT identification number of an economic operator through the VIES website of the Commission. Depending on the national rules on data protection, some Member States will also provide the name and address linked to the given VAT identification number as they are recorded in the national databases.

ANNEX I - RESTRICTED EXPLOSIVES PRECURSORS

Substances which shall not be made available to, or introduced, possessed or used by, members of the general public on their own, or in mixtures or substances including them, except if the concentration is equal to or lower than the limit values set out in column 2, **and for which suspicious transactions are to be reported within 24 hours. [Am. 38]**

1. Name of the substance and Chemical Abstracts Service Registry number (CAS RN)	2. Limit value	3. Upper limit value for the purpose of licensing under Article 5(3)	215 4. Combined Nomenclature (CN) code for a separate chemically defined compound meeting the requirements of Note 1 to Chapter 28 or 29 of the CN, respectively (1)	5. Combined Nomenclature (CN) code for a mixture without constituents (e.g. mercury, precious or rare-earth metals or radioactive substances) which would determine classification under another CN code (1)
Nitric acid (CAS RN 7697-37-2)	3 % w/w	10% w/w	ex 2808 00 00	ex 3824 99 96
Hydrogen peroxide (CAS RN 7722-84-1)	12 % w/w	35 % w/w	2847 00 00	216 ex 3824 99 96
Sulphuric acid (CAS RN 7664-93-9)	15 % w/w	40% w/w	ex 2807 00 00	ex 3824 99 96
Nitromethane (CAS RN 75-52-5)	16 % w/w	40% w/w	ex 2904 20 00	ex 3824 99 92
Ammonium nitrate (CAS RN 6484-52-2)	16 % by weight of nitrogen in relation to ammonium nitrate (2)	N/A	3102 30 10 (in aqueous solution) 3102 30 90 (other)	ex 3824 99 96
Potassium chlorate (CAS RN 3811-04-9)	40 % w/w	N/A	ex 2829 19 00	ex 3824 99 96
Potassium perchlorate (CAS RN 7778-74-7)	40 % w/w	N/A	ex 2829 90 10	ex 3824 99 96
Sodium chlorate (CAS RN 7775-09-9)	40 % w/w	N/A	2829 11 00	ex 3824 99 96
Sodium perchlorate (CAS RN 7601-89-0)	40 % w/w	N/AS	ex 2829 90 10	ex 3824 99 96

(1) Commission Implementing Regulation (EU) No 2017/1925 of 12 October 2017 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 282, 31.10.2017, p. 1). Subsequent amendments of Annex I to Regulation (EC) No 2658/87 should be consulted as regards updated CN codes.

(2) Ammonium nitrate can only be made available to, or introduced, possessed or used by, members of the general public on its own, or in mixtures or substances including it in concentrations lower than 16% by weight of nitrogen in relation to ammonium nitrate.

ANNEX II - REPORTABLE EXPLOSIVES PRECURSORS

Substances on their own or in mixtures for which suspicious transactions shall **are to** be reported **within 24 hours**. [Am. 39]

1. Name of the substance and Chemical Abstracts Service Registry number (CAS RN)	2. Combined Nomenclature (CN) code (1)	3. Combined Nomenclature (CN) code for mixtures without constituents (e.g. mercury, precious or rare-earth metals or radioactive substances) which would determine classification under another CN code (1)
Hexamine (CAS RN 100-97-0)	ex 2933 69 40	ex 3824 99 93
Acetone (CAS RN 67-64-1)	2914 11 00	ex 3824 99 92
Potassium nitrate (CAS RN 7757-79-1)	2834 21 00	ex 3824 99 96
Sodium nitrate (CAS RN 7631-99-4)	3102 50 00	ex 3824 99 96
Calcium nitrate (CAS RN 10124-37-5)	ex 2834 29 80	ex 3824 99 96
Calcium ammonium nitrate (CAS RN 15245-12-2)	ex 3102 60 00	ex 3824 99 96
Magnesium, <i>powders</i> (CAS RN 7439-95-4) (2) (3)	ex 8104 30 00	
Magnesium nitrate hexahydrate (CAS RN 13446-18-9)	ex 2834 29 80	ex 3824 99 96
Aluminium, <i>powders</i> (CAS RN 7429-90-5) (2) (3)	7603 10 00 ex 7603 20 00	

(1) Commission Implementing Regulation (EU) No 2017/1925 of 12 October 2017 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 282, 31.10.2017, p. 1). Subsequent amendments of Annex I to Regulation (EC) No 2658/87 should be consulted as regards updated CN codes.

(2) With a particle size less than 200 µm.

(3) As a substance or in mixtures containing 70 % or more, by weight, of aluminium and/or magnesium.

ANNEX III - FORMAT FOR A LICENCE

Format for a document proving possession of a licence for a member of the general public to acquire, introduce, possess and use restricted explosives precursors, as referred to in Article 6(7).

1. Member of the general public (Name and address) Name: Identification Document Number: Address: Country: Tel.: Email:
2. Licence Number:
3. Licence for single use or multiple use <i>please tick</i> () single purchase, introduction, possession and use of a restricted precursor name of precursor(s): maximum amount: maximum concentration: licensed use: () multiple purchase, introduction, possession and use of a restricted precursor name of precursor(s): maximum amount in possession at any time: maximum concentration: licensed use:
4. If different than box 1 and required by national law, address where the precursor(s) will be stored Address:
5. If different than box 1 and required by national law, address where the precursor(s) will be used: Address:
5a. Indicate whether the precursor(s) are intended to be introduced or used (or both) in a Member State different from that issuing this licence or outside of the European Economic Area () <i>Yes</i> () <i>No</i> Address:

<i>Timeframe for the introduction or use (or both) of precursor(s): [Am. 40]</i> <i>5b. Indicate whether the precursor(s) are intended to be made available for sale in offline or online marketplaces.</i> <i>() Yes</i> <i>() No</i> <i>Name of the marketplace:</i> <i>Address: [Am. 41]</i>
6. Written consent to the acquisition, introduction, possession and use of restricted precursor(s) in block 3 by [name country]: Name of the competent authority: Valid from: _____ until: _____ Special requirements applicable to this licence: () yes, this licence is only valid with the special requirements attached to this licence () No Stamp and/or signature:
