



Council of the European Union
General Secretariat

**Interinstitutional files:
2018/0103(COD)**

Brussels, 20 September 2018

WK 10883/2018 INIT

LIMITE

**COMPET
CHIMIE
ENFOPOL
ENV
MI
ENT
UD
CODEC**

WORKING PAPER

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	SE delegation
To:	Working Party on Technical Harmonisation (Explosives Precursors)
Subject:	Comments from the Swedish delegation on the proposal for a Regulation of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Annex XVII to Regulation (EC) No 1907/2006 and repealing Regulation (EU) no 98/2013 on the marketing and use of explosives precursors - Swedish proposal on ammonium nitrate in Annex I



Regeringskansliet

Memorandum

2018-09-19
Ju2018/03307/SSK

Ministry of Justice

Department of Civil Crisis
Desk Officer
Anna-Karin Lindberg
08-405 94 54
070-569 51 07
anna-karin.lindberg@gov.se

Comments of the Swedish delegation on the proposal for a Regulation of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Annex XVII to Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 on the marketing and use of explosives precursors

Swedish proposal on ammonium nitrate in Annex I

When used in fertilizers, the ammonium nitrate content is normally expressed in terms of the content of nitrogen in relation to ammonium nitrate, as nitrogen (N) is the relevant plant nutrient. This unit is used for ammonium nitrate in the proposed Annex 1, and has been taken over from the REACH-regulation. The nitrogen content would normally appear on a bag of fertilizer as NXX where XX is the percentage of nitrogen.

However, for other use of ammonium nitrate the nitrogen content is not a relevant entity and would not be given on the container or in any other product information. Sweden is of the opinion that Annex 1 needs to be amended to make the concentration limit for ammonium nitrate clear also for non-fertilizer products.

The ammonium nitrate molecule (NH_4NO_3) contains 35 % (w/w) of nitrogen (N). The relation between the content of ammonium nitrate and the content of nitrogen from ammonium nitrate is thus straight-forwardly a factor of 0.35. 16 % nitrogen in relation to ammonium nitrate (w/w) consequently corresponds to $16/0.35=46\%$ ammonium nitrate (w/w).

Proposal 1 (preferred)

Change the percentage of nitrogen from ammonium nitrate to the percentage of ammonium nitrate and add a footnote to explain how the two relate. This streamlines the concentration limits in Annex 1 so that they are all given as concentration of the actual substance.

Ammonium nitrate (CAS RN 6484-52-2)	46 % w/w 16 % by weight of nitrogen in relation to ammonium nitrate (2)	No licensing possible N/A	3102 30 10 (in aqueous solution) 3102 30 90 (other)	ex 3824 99 96
-------------------------------------	--	-------------------------------------	--	---------------

(2) Corresponds to 16 % by weight of nitrogen (N) in relation to ammonium nitrate.

Proposal 2

Add a footnote explaining what the current threshold means in terms of actual ammonium nitrate content. This keeps the concentration limit given in terms of nitrogen, which is relevant for fertilizers only.

Ammonium nitrate (CAS RN 6484-52-2)	16 % by weight of nitrogen in	No licensing possible N/A	3102 30 10 (in aqueous	ex 3824 99 96
-------------------------------------	-------------------------------	-------------------------------------	------------------------	---------------

	relation to ammonium nitrate <u>(2)</u>		solution) 3102 30 90 (other)	
--	---	--	------------------------------------	--

(2) Corresponds to 46 % w/w of ammonium nitrate.