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WORKING PAPER

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From: To:	IE delegation Working Party on Technical Harmonisation (Explosives Precursors)
Subject:	Comments from the Irish 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

Proposal for a Regulation on the Marketing and Use of Explosives Precursors to replace Regulation (EU) No 98/2013 – Presidency Compromise Suggestions – Doc 11040/2018 Updated Comments from DJE Ireland

Article	Page	Current Text	Suggested Text	Comment and Justification
Recital	1	Furthermore, the existing	Furthermore, the existing	Editorial
(3)		restrictions and controls were not	restrictions and controls were not ensuring	
		ensuring sufficiently level of	sufficiently levels of public security as they	
		public security as they	were not adequately preventing criminals	
		were not adequately preventing	from acquiring explosives precursors. The	
		criminals from acquiring	threat posed by homemade explosives	
		explosives precursors. The threat	remained high and continuesous to evolve.	
		posed by homemade explosives		
		remained high and continuous to		
		evolve.		
Recital	2	in other Member States that apply	in other Member States that apply	Editorial
(7)		licensing regime.	licensing regimes	
Recital	3	Economic operators selling to	Economic operators selling to other economic	Editorial
(9)		professional users or members of	operators, professional users or members of	
		the general public with a licence	the general public with a licence should	
		should ensure that their personnel	ensure that their personnel involved in the sale	
		involved in the sale of the	of the explosives precursors are is aware of	
		explosives precursors is aware of	the products that the economic operator offers	
		the products that the economic		
		operator offers		
7	10	that their personnel involved in the	that their personnel involved in the sale of	Editorial
		sale of regulated explosives	regulated explosives precursors are is	
		precursors is:		

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8.2	10	For the purpose of verifying that a	For the purpose of verifying that a prospective	The intention of the Article is that the
		prospective customer is a	customer is a professional user or another	proof of the identity of the prospective
		professional user or	economic operator, an the economic	customer is verified not just requested
		another economic operator, an	operator who makes available a	and this proposed text makes that
		the economic operator who makes	restricted explosives precursor to a	clear.
		available a	professional user or a farmer another	
		restricted explosives precursor to a	economic operator shall for each transaction	
		professional user or a farmer	verify the proof of identity and address of the	
		another economic	prospective customer, unless such a check	
		operator shall for each transaction	for that recipient prospective customer has	
		request the following, unless such	already occurred within a period of one	
		a check for	year and the transaction does not	
		that recipient prospective	significantly deviate from previous	
		customer has already occurred	transactions and request the following:	
		within a period of one	(aa) the name and address of the	
		year and the transaction does not	prospective customer, together with a proof	
		significantly deviate from	of	
		previous	identity	
		transactions:	(a) the trade, business, eraft-or profession of	
		(aa) the name and address of the	the prospective customer;	
		prospective customer, together	(b) the intended use of the restricted	
		with a proof of	explosives precursors by the prospective	
		identity	customer.	
		(a) the trade, business, craft or		
		profession of the prospective		
		customer;		
		(b) the intended use of the		
		restricted explosives precursors by		
		the prospective		
		customer.		

12.1(a),	13	The Commission shall regularly	The Commission shall regularly update, after	The requirement to conduct both
12.1(a),	13	update, after consulting the	consulting the Standing Committee on	training and awareness-raising actions
		Standing Committee on Explosives	Explosives Precursors, guidelines to assist the	for authorities will be very onerous
		Precursors, guidelines to assist the	chemical supply chain and, where relevant,	and these would be greatly assisted if
		chemical supply chain and, where	the competent authorities to facilitate	Guidelines were to be issued by the
		relevant, the competent authorities	cooperation between the competent authorities	Commission.
		to facilitate cooperation between	and	
		the competent authorities and	economic operators. The guidelines shall, in	
		economic operators. The	particular, provide:	
		guidelines shall, in particular,	(a) information on how to conduct inspections	
		provide:	and training and how to organise awareness-	
		(a) information on how to conduct	raising actions	
		inspections;	(b) information on how to apply the	
		(b) information on how to apply	restrictions and controls of the Regulation to	
		the restrictions and controls of the	regulated explosives precursors ordered at a	
		Regulation to regulated explosives	distance by members of the general public or	
		precursors ordered at a distance by	professional users;	
		members of the general public or	(c) information on possible measures to be	
		professional users;	adopted by online marketplaces that act as an	
		(c) information on possible	intermediary to ensure compliance with this	
		measures to be adopted by online	Regulation;	
		marketplaces that act as an	(d) information on how to exchange relevant	
		intermediary to ensure compliance	information between competent authorities	
		with this Regulation;	and national contact points and between	
		(d) information on how to	Member States;	
		exchange relevant information	(e) other information which may be deemed	
		between competent authorities and	useful.	
		national contact points and		
		between Member States;		

		(e) other information which may be deemed useful.		
15.1	14	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 where it appears, in the light of the opinion given by the Standing Committee on Explosives Precursors, a) 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, and 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. The Commission shall, as part of the preparation of the delegated acts, consult relevant stakeholders, in particular the chemical industry and the retail sector,	The Commission shall adopt delegated acts in accordance with Article 16 when requested by the Standing Committee on Explosives Precursors in accordance with paragraph 0 concerning (1) the addition of substances to Annex I and 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, or (2) 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,	This is to make it clear the circumstances under which the Commission when requested by the SCP can make delegated acts for both Annex I and Annex II and that industry should be consulted for both.

Rev 28th September 2018 - Updated Comments of Dept of Justice Ireland