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WORKING PAPER

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From:	UK delegation
To:	Working Party on Technical Harmonisation (Explosives Precursors)
Subject:	Comments from the United Kingdom 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

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2018-10-01 - UK Amendments to EU Regulation 98-2013

Article	Current Text	Suggested Text	Comment/Justification
3 (7)	Member of the 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 or profession;	Member of the public means any natural or legal person who is acting for purposes that are not connected with their trade, business or profession;	This means members of the public who do not have a need for restricted explosives precursors are not subject to restrictions. It creates a separate group of people who are: 1) Not subject to licensing etc 2) Not subject to professional user verification. Craft suggests hobby, which is not a professional use.
8 (2)	Another economic operator shall for each transaction request the following, unless such a check for that prospective customer has already occurred within a period of one year and the transaction does not significantly deviate from previous transactions:	Another economic operator shall for each transaction request the following, unless such a check for that prospective customer has already occurred within a period of one year and the transaction does not significantly deviate from previous transactions:	A potential one year gap between checks creates a security loophole for prospective customers. Checks should remain on-going irrespective of the timing and nature of the previous check.
23 (2)	It shall apply from 24 months [after the date of entry into force].	It shall apply from 18 months [after the date of entry into force]	It is important that this regulation comes into force as quickly as possible, to reduce the time available for terrorists to exploit the existing regulation.

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Annex I	Sodium Chlorate upper limit “no licensing permitted” Potassium Chlorate upper limit “no licensing permitted” Sodium Perchlorate upper limit “no licensing permitted” Potassium Perchlorate upper limit “no licensing permitted”	Sodium Chlorate upper limit 100% w/w Potassium Chlorate upper limit 100% w/w Sodium Perchlorate upper limit 100% w/w Potassium Perchlorate upper limit 100% w/w	Since September 2014 the UK has issued 69 licences to members of the public for the acquisition, possession and use of these substances for the legitimate purpose of pyrotechnic experimentation. These individuals also require an explosives licence for their activity (issued by the police) and are subject to robust background checks. According to the evidence available to us, there have been no instances of misuse of these substances in the UK after a customer has been licensed. Losing our licensing ability may also drive the market for these chemicals underground, weakening our current security measures.
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Article 3 (8): We support the revision of the definition of “professional user” to include “agricultural activity”. A removal of this definition would adversely impact upon small holders and horse paddock owners in the UK. These groups require the use of ammonium nitrate for legitimate purposes but would not be captured, or may be unable to demonstrate this requirement, under a “Professional User” definition not containing “agricultural activity”.

Article 9 (1) (2): We support the inclusion of “online marketplaces” in the required reporting of suspicious transactions, disappearances and thefts.

Annex 1: We support the change to allow licensing of nitromethane up to 100% w/w and hope to see the same reflected for all chlorates and perchlorates.