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WORKING PAPER

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WORKING DOCUMENT

From:	NL delegation
To:	Working Party on Technical Harmonisation (Explosives Precursors)
Subject:	Comments from the Dutch 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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Updated comments of the Dutch 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

2 October 2018

Article 8, paragraph 2

Suggested text: "For the purpose of verifying that a prospective customer is a professional user or another economic operator, the economic operator who makes available a restricted explosives precursor to a professional user or another economic operator shall for each transaction **verify the proof of identity and address of the prospective customer and** request the following, ~~unless such a check for that recipient has already occurred within a period of one year and the transaction does not significantly deviate from previous transactions...~~"

Justification:

- NL supports the suggestion by Ireland that the proof of the identity of the prospective customer is verified, not just requested;
- NL supports the suggestion by UK that a potential gap between checks creates a security loophole for prospective customers. Checks on transactions should be performed on a continuous basis.

Article 9, paragraph 1 - 3

Suggested text: "...online marketplaces **(in cases where the transaction takes place via their platform)**..."

Justification: Monitoring (detecting and reporting) of suspicious transactions is not possible if the online marketplace just facilitates the connection between supply and demand (e.g. Marktplaats.nl).

Article 9, paragraph 5 and 6

Suggested text: "...shall report significant disappearances and thefts of restricted explosives precursors **without undue delay within 24 hours after detection** to the national contact point of the Member State where the disappearance or theft has taken place."

Justification: in this way the obligations, imposed in paragraph 5 and 6, will be in line with the reporting obligation in paragraph 3.