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WORKING PAPER

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From:	SV delegation
To:	Working Party on Technical Harmonisation (Explosives Precursors)
Subject:	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



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Ministry of Justice

Division for Crisis Preparedness

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

*Sweden suggests the following modifications on WK 11040/2018 INIT
(printed in bold and underlined).*

Article 3, Definitions

Since it is not defined what an “ingredient” is, the current writing would allow simple mixtures containing only trace amounts of a few other “ingredients” to escape the Regulation. Hence a requirement on the minimum concentration of the other ingredients is needed. It also needs to be prevented that precursors are included in the count of the number of ingredients in the excluded mixtures, i.e. these ingredients must be “other”. Furthermore, a requirement that the mixtures is homogeneous will prevent mixtures where the precursor is easily extracted, e.g. a solid precursor in a liquid phase, to escape the Regulation.

Proposal

3.12: '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; excluding **homogeneous** mixtures ~~of more than 5 ingredients~~ in which the concentration of each substance listed in Annexes I or II is below 1 % w/w **that contain at least four other ingredients in concentrations above 1 % w/w;**

Article 15, Amendments to the Annexes

Sweden can, regarding amendments of Annex 1 and delegated acts, support the Presidency compromise proposal to give the Standing Committee on Precursors an enhanced role based on article 17 a. In order to clarify the Article, and to meet the concerns of those Member States that would prefer that only limited powers to adopt delegated acts is conferred on the Commission, we would like to present an amended Article 15.

Proposal

15.1: The Commission shall, **following a request from the Standing Committee on Explosive Precursors,** 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~~ **the addition of substances to Annex I and changes of the limit values in Annex I, where necessary, in the light of the opinion given by the Standing Committee on Explosives Precursors,** 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~~ **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.⁵ 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.