



Council of the European Union
General Secretariat

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

Brussels, 05 November 2018

WK 13298/2018 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:	NL delegation
To:	Working Party on Technical Harmonisation (Explosives Precursors)
Subject:	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 - Comments from the NL delegation on WK 12573/2018 REV 1

WK 13298/2018 INIT

LIMITE

EN

30 November 2018

Article 8

(...)

2. For the purpose of verifying that a prospective customer is a professional user or another economic operator, the economic operator who makes a restricted explosives precursor available to a professional user or another economic operator, shall for each transaction request the following information:

- (aa) proof of identity of the individual entitled to represent the prospective customer;
- (a) the trade, business or profession together with the company name and address of the prospective customer;
- (b) the intended use of the restricted explosives precursors by the prospective customer.

2a. For the purpose of verifying the intended use of the restricted explosives precursor, the economic operator shall assess if the intended use is consistent with the trade, business or profession of the prospective customer. The transaction may be refused if there are reasonable grounds for doubting the validity of the intended use of the restricted explosives precursor. The economic operator shall report the suspicious or attempted transaction in accordance with Article 9 of this Regulation.

Justification

The proposed paragraph 2 of Article 8 merely requests information from the prospective customer and provides subjective criteria to verify the intended use. From a security perspective this creates a loophole. This has been discussed often in the Standing Committee on Precursors. Following up on the information provided and assessing the intended use is necessary. To that end paragraph 2a gives an operative and a more objective dimension to the information already requested under Article 8, paragraph 2. Paragraph 2a does not overburden the parties concerned as it regards information, which already has to be provided.