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WORKING PAPER

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From:	IE 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 - Comments from the Irish delegation on WK 12573/2018 REV 1 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 – Wk 12573/2018 REV1 Updated Comments from DJE Ireland				
Article	Page	Current Text	Suggested Text	Comment and Justification
5(3)	9	Under such regime, a member of the general public shall obtain, and, if requested, present a licence for acquiring, introducing, possessing and using restricted explosives precursors., Such a licence shall be issued in accordance with Article 6 by a competent authority of the Member State where that restricted explosives precursor is going intended to be acquired, introduced, possessed or used.	Under such regime, a member of the general public shall obtain, and, if requested, present a licence for acquiring, introducing, possessing or and using restricted explosives precursors. Such a licence shall be issued in accordance with Article 6 by a competent authority of the Member State where that restricted explosives precursor is going to be acquired, introduced, possessed or used.	The text as currently proposed means that all licenses issued would permit both the introduction and use of the restricted explosives precursor and that this licence can only be issued by the Member State of use. Also under Article 6(7) a member State may or may not recognise a licence issued by another Member State. Additionally under Article 8(1) an economic operator when making a restricted explosives precursor available must ensure that the licence is in compliance with the licensing regime in that Member State. Question: How will this operate if a member of the general public is located in and wants to acquire a precursor in Member State A for use in Member State B. The journey from A to B will require the transit (introduction) through Member State C. For this to operate both member States A and C must recognise the licence issued by Member State B.

				Considering the above I would recommend that the previous text is retained with the addition of “Such a licence shall be...”
7(2)	11	 referred to in Article 11 that their its personnel involved in the sale of regulated explosives precursors is:	 referred to in Article 11 that their its personnel involved in the sale of regulated explosives precursors is are :	Editorial
8(2)(b)	12	the intended use of the restricted explosives precursors by the prospective customer.	the intended use of the restricted explosives precursors by the prospective customer which must be consistent with their trade, business or profession.	To ensure that there is no security loophole with regard to the supply of restricted explosives precursors to professionals or economic operators
10(1)	13	Member States shall ensure adequate resources and the provision of provide training for law enforcement authorities , first responders and customs authorities to recognise regulated explosives precursors substances and mixtures in during the course of their duties and to react in a timely and appropriate manner to a suspicious activity.	Member States shall ensure adequate resources are provided for the and the provision of provide training of for law enforcement authorities , first responders and customs authorities to recognise regulated explosives precursors substances and mixtures in during the course of their duties and to react in a timely and appropriate manner to a suspicious activity.	Editorial
12.1(a),	14	The Commission shall regularly update, after consulting the Standing Committee on Explosives	The Commission shall regularly update, after consulting the Standing Committee on Explosives Precursors, guidelines to assist the chemical supply chain and, where	The requirement to conduct both training and awareness-raising actions for authorities will be very onerous and these would be greatly assisted if

		Precursors, guidelines to assist the chemical supply chain and, where relevant, the competent authorities to facilitate cooperation between the competent authorities and economic operators. The guidelines shall, in particular, provide: (a) information on how to conduct inspections; (b) information on how to apply the restrictions and controls of the Regulation to regulated explosives precursors ordered at a distance by members of the general public or professional users; (c) information on possible measures to be adopted by online marketplaces that act as an intermediary to ensure compliance with this Regulation; (d) information on how to exchange relevant information between competent authorities and national contact points and between Member States; (e) other information which may be deemed useful.	relevant, the competent authorities to facilitate cooperation between the competent authorities and economic operators. The guidelines shall, in particular, provide: (a) information on how to conduct inspections and training and how to organise awareness-raising actions (b) information on how to apply the restrictions and controls of the Regulation to regulated explosives precursors ordered at a distance by members of the general public or professional users; (c) information on possible measures to be adopted by online marketplaces that act as an intermediary to ensure compliance with this Regulation; (d) information on how to exchange relevant information between competent authorities and national contact points and between Member States; (e) other information which may be deemed useful.	Guidelines were to be issued by the Commission.
14(2)	14	Where a Member State has reasonable grounds for believing that a specific substance	Where a Member State has reasonable grounds for believing that a specific substance	The term “equal to or” is required before lower to ensure consistency with Annex I

		listed in Annex I could be used for the illicit manufacture of explosives, at a concentration lower than the limit values set out laid down in column 2 or 3 of the table in Annex I, it may further restrict or prohibit the making available, possession and use of that substance by imposing a lower concentration limit value.	listed in Annex I could be used for the illicit manufacture of explosives, at a concentration equal to or lower than the limit values set out laid down in column 2 or 3 of the table in Annex I, it may further restrict or prohibit the making available, possession and use of that substance by imposing a lower concentration limit value.	
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