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WORKING PAPER

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From:	FI delegation
To:	Working Party on Technical Harmonisation (Explosives Precursors)
Subject:	Comments from the Finnish 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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Draft Regulation 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

Clarification for Article 6 (1c). We would like to have a clarification on this point. We wonder if it is up to the national competent authority of the Member State that issue the license to decide how far back in the history of the applicant's criminal records in other member states should be checked.

Clarification for Article 6(1d). What are the "proposed storage arrangements"? Hopefully, this point leaves it to the national competent authority to decide what storage arrangements would be considered adequate. Most of the license holders possess only small quantities of regulated substances in places unknown to outsiders and thus, the chemicals are unlike subjects of thefts.

Article 6(9). The still valid licenses have been issued based on decision of the competent authority. The licit purposes of use, as assessed by the national competent authority, are still there for existing license holders. Therefore, to avoid extra administrative burden and unnecessary obligations to existing license holders, Finland suggests that the existing licenses are allowed to expire as stated in the individual existing licenses. At least, there should be a certain transitional period.

Article 10: Finland suggests that instead of being forced to organize at least a fixed minimum number (2) of awareness-raising campaigns, the Member States should be allowed to decide the actual volume of need for those. There are Member States where the regulated substances have practically disappeared from the retail market which means that relevant target groups for campaigns are few.

Annex I: (Sulphuric acid). While it is a fact that Sulphuric acid has been used as a catalyst compound in the making of TATP for several recent terrorist attacks, it is also a fact that the unregulated hydrochloric acid can be used almost as effectively for that purpose. Because of the limited added security value of setting a lower limit for Sulphuric acid, the Commission should consider leaving out the lower limit but while keeping the upper value at the proposed 40 %.