



Council of the European Union
General Secretariat

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

Brussels, 13 July 2018

WK 8723/2018 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:	CY delegation
To:	Working Party on Technical Harmonisation (Explosives Precursors)
Subject:	Comments from the Cypriot 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

WK 8723/2018 INIT

LIMITE

EN



MINISTRY OF ENERGY, COMMERCE, INDUSTRY AND TOURISM

Comments and suggestions by the Cyprus Republic 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

The Cyprus Republic reserves the right to add further comments at a later date.

Suggested modifications of the proposal are printed **bold**.

Article 9

Reporting of suspicious transactions, disappearances and thefts

3. Economic operators may refuse the suspicious transaction and shall report the suspicious transaction or attempted transaction within 24 hours **of determining the suspicion** including if possible the identity of the customer, to the national contact point of the Member State where the suspicious transaction was concluded or attempted.

Comments:

We need to specify when the 24 hours start.

Article 10

Training and awareness-raising

2. Member States shall organise, **at appropriate intervals**, ~~at least twice a year~~, awareness-raising actions, targeted to the specificities of each different sector using regulated explosives precursors.

Comments:

Each Member State should decide how often it will carry out awareness-raising

actions (including electronic information campaigns) depending on the recognized needs.

Article 11

National inspection authority

Comments concerning the title of the article

The article title National inspection authority can be replaced with the title “inspections”. Some member states do not have a National inspection authority. Cyprus inspections are carried out by inspectors from different Ministries who are coordinated by the competent authority.

Article 14

Safeguard clause

~~6. Without prejudice to paragraph 5, the Commission may, after consulting the Member State and, if appropriate, third parties, decide that the measure taken by the Member State is not justified and request the Member State to withdraw it.~~

Comments:

The decision-making power of the COM provided for in Art. 14 (6) of the Draft Regulation would infringe the division of competences between the institutions of the Union, and thus the institutional balance set out in the European Treaties (Article 13 (2) TEU). In the case of an alleged infringement of EU law by Member States, the Commission is, as a matter of principle, limited to the infringement procedure under Article 258 TFEU, with a final judgment rendered by the ECJ. Within this framework, only the ECJ can make a binding decision on the compatibility of domestic legislation with EU law.

Article 23

Entry into force

It shall apply from [~~one year~~ **two years** after the date of entry into force]

Comments:

The period for the entry into force of the Regulation should be at least 2 years in order to provide to the Member States enough time to complete their internal procedures.