

Marketing and use of explosives precursors

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The Council held an orientation debate on a proposal for a regulation on the marketing and use of explosives precursors on the basis of a discussion paper presented by the Danish presidency.

Informal contacts with the European Parliament and the views expressed in the meeting of the LIBE committee of the European Parliament on 21 March 2012, indicate that the European Parliament still maintains a strong preference for a "licensing-only" system.

Based on the outcome of the negotiations during the autumn and on what has been said in the European Parliament during the spring, the Danish Presidency has considered how to proceed with the proposal in order to reach a compromise on the issue of access to substances listed in Annex I to the draft Regulation that would be acceptable both to Member States and to the European Parliament.

The Danish compromise proposal supported by the Council maintains the core elements of the initial Commission proposal, i.e. a general ban on members of the general public acquiring, possessing or using the relevant chemical substances. Member states may, however, derogate from this general rule:

- by introducing a licensing system through which members of the general public will be required to obtain and present a licence in order to acquire, possess or use the chemical substances listed in an annex to the regulation in concentrations higher than those laid down in that annex;
- by setting up a system for registration of purchases by members of the general public to get access to three of the substances in the annex, namely hydrogen peroxide, nitric acid and nitromethane under certain concentration limits. These are the substances and concentrations of which there is the highest use and which thus create the biggest administrative burden when establishing a licensing system;
- by allowing Member States that already have a registration system for access to one or more of the substances listed in the annex to continue to apply that system to some or all substances in accordance with the registration regime laid down in the regulation.

The Commission would review the regulation after three years to decide whether the system should be further strengthened and harmonised.

The Presidency hereby invites the Council to reaffirm its commitment to achieve a common legislative framework on the marketing and use of explosives precursors with the aim of strengthening the level of public security in the Union particularly with the view of preventing terrorist attacks. It asked its preparatory bodies to continue work on the file so as to agree on a final text with the European Parliament as soon as possible.