

Marketing and use of explosives precursors

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The Commission presents a report on the application of Regulation (EU) n° 98/2013 of the European Parliament and of the Council on the marketing and use of explosives, and the delegation of power provided for therein.

The report has been prepared on the basis of the discussions and consultations in the Standing Committee of Precursors, which provides a platform for Member States and representatives of the economic operators in the supply chain to exchange information and views on the practical implementation of the Regulation.

According to Europol's 2016 report on the terrorism situation and trend in Europe, home-made explosives remain a preferred weapon of terrorists, along with conventional firearms. The threat posed by the use of explosives precursor chemicals remains high and is continuously evolving.

Implementation and review of the Regulation: as of 1 January 2017, most Member States were in compliance with the requirements of Regulation (EU) No 98/2013. The report shows that, through the introduction and monitoring for the main threat substances of concern, the entry into force of the Regulation has contributed to:

- reducing the amount of explosives precursors available on the market: the supply chain has not reported any significant disturbances or economic losses as a result of this ;
- increasing the capacity of competent and law enforcement authorities to investigate suspicious incidents involving explosives precursors: Member States have reported an increase in the number of reported suspicious transactions, disappearances and thefts.

Problems identified: despite the overall positive impact of the Regulation, its application has given rise to several problems and challenges:

- the main challenge for Member State competent authorities is the large number of operators affected by the restrictions and controls of the Regulation, which makes it difficult for competent authorities to reach all economic operators in the supply chain of explosives precursors to inform them of their duties ;
- another challenge for Member State authorities is to enforce the restrictions and controls on internet sales, imports and intra-EU movements;
- a main challenge for economic operators, particularly those in the retail sector, has been to identify products that fall under the scope of the Regulation. it is difficult for operators at retail level to properly verify that the proper label is affixed and that the restriction applies effectively;
- a continuous challenge for the Commission is to keep abreast of the evolving security threat.

New measures: the Commission, in close collaboration with the Standing Committee of Precursors, has already started revising the Regulation by adding three explosives precursor substances to Annex II (aluminium powder, magnesium nitrate hexahydrate, and magnesium powder.)

However, the practical experience gained since the implementation of the Regulation, along with global developments, make it imperative to consider additional changes to the Regulation to increase the capacity of all actors involved in implementing and enforcing the restrictions and controls.

The Commission will carefully assess the impact of a number of possible new measures which may be proposed in the near future, in order to:

- tighten restrictions and controls, by adding new substances of concern to the scope of the Regulation and by strengthening restrictions on substances that are already covered;
- increase the capacity of the Member State competent authorities to monitor the sale and possession of explosives precursors, such as by requiring economic operators to register with their competent authority and to regularly submit their registry of transactions to the competent authorities;
- strengthen the system of reporting suspicious transactions, disappearances and thefts by, for example, ensuring that information which could have cross-border relevance is shared;
- improve the transmission of information along the chemical and retail supply chain by, for example, re-assessing the labelling provision in the Regulation;
- extend the scope of the Regulation to cover professional users;
- update Annex II, as often as necessary, to add specific substances which pose a threat as explosives precursors.

The report concludes that the Commission, Member States and the supply chain of explosives precursors in Europe must jointly step up their efforts to fully implement the existing provisions and identify measures and actions which strengthen the system around homemade explosives in the future.