



# Explosives precursors

12<sup>th</sup> SALW Commission meeting Tirana

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## An unstable white powder



Public domain

TATP is easy to make and hard to detect, but is also incredibly unstable. In fact, all it takes is a firm tap to explode TATP with a force that's about 80% as strong as TNT. (Which is why it has gained an infamous reputation as "the Mother of Satan" among terrorists who make it, according to [The Future of Things](#).)



# Precursor regulation 98/2013

Regulation 98/2013 of 15 January 2013 on the marketing and use  
of explosives precursors

# Why?



CLARITY



98/2013 restricted access to , and use of explosive precursors to the member of the general public.



However, MS were able to decide to grant members of general public access to the se substances by licensing or registration



As such restrictions an controls were different in MS and the regulation has not ensured sufficient levels of public security.



**Threat** by home made explosives remains **HIGH** and evolves continuously.



# Aim of new regulation



Strengthen and harmonize the system of prevention of illicit manufacturing of explosives;



But ensure the free movement of explosives precursors in the internal market



And promote cooperation between economic operators and encourage innovation (Safer chemicals)

# Criteria determining measures

- To which explosives precursor depends on:
  - Level of threat;
  - Volume of trade;
  - And whether it is possible to establish a concentration level below which the explosive precursors still can be used for legitimate purposes





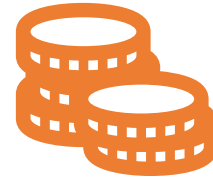
# Criteria

Members of the general public should not be permitted to acquire, introduce, possess or use certain explosives precursors at concentrations above certain limit values;

However members of the general public should be permitted to acquire, introduce, possess or use certain explosives precursors at concentrations above certain limit values if they have a license to do so, except for:

- **Potassium chlorate;**
- **Potassium perchlorate;**
- **Sodium chlorate;**
- **Sodium perchlorate.**

# Criteria



Professional users vs  
economic operators



Online Market



Suspicious transfers  
to be reported



Adequate training to  
be provided



# Precursor regulation 2019/1148

Amending Regulation 98/2013 of 15 January 2013 on the  
marketing and use of explosives precursors

# Subject

- harmonised rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives, **with a view to limiting the availability of those substances or mixtures to members of the general public**, and with a view to **ensuring the appropriate reporting of suspicious transactions** throughout the supply chain



# Scope

Substances in Annex I and II and mixtures and substances that contain those substances

# Annex 1: Restricted Explosives precursors

**Report  
within  
24 Hrs**

1. Name of the substance and Chemical Abstracts Service Registry number (CAS RN)	2. Limit value	3. Upper limit value for the purpose of licensing under Article 5(3)	4. Combined Nomenclature (CN) code for a separate chemically defined compound meeting the requirements of Note 1 to Chapter 28 or 29 of the CN, respectively <sup>(1)</sup>	5. Combined Nomenclature (CN) code for a mixture without constituents (e.g. precious or rare-earth metals or radioactive substances) which would determine classification under another CN code <sup>(1)</sup>
Nitric acid (CAS RN 7697-37-2)	3 % w/w	10 % w/w	ex 2808 00 00	ex 3824 99 96
Hydrogen peroxide (CAS RN 7722-84-1)	12 % w/w	35 % w/w	2847 00 00	ex 3824 99 96
Sulphuric acid (CAS RN 7664-93-9)	15 % w/w	40 % w/w	ex 2807 00 00	ex 3824 99 96
Nitromethane (CAS RN 75-52-5)	16 % w/w	100 % w/w	ex 2904 20 00	ex 3824 99 92
Ammonium nitrate (CAS RN 6484-52-2)	16 % w/w of nitrogen in relation to ammonium nitrate <sup>(2)</sup>	No licensing permitted	3102 30 10 (in aqueous solution) 3102 30 90 (other)	ex 3824 99 96
Potassium chlorate (CAS RN 3811-04-9)	40 % w/w	No licensing permitted	ex 2829 19 00	ex 3824 99 96
Potassium perchlorate (CAS RN 7778-74-7)	40 % w/w	No licensing permitted	ex 2829 90 10	ex 3824 99 96
Sodium chlorate (CAS RN 7775-09-9)	40 % w/w	No licensing permitted	2829 11 00	ex 3824 99 96
Sodium perchlorate (CAS RN 7601-89-0)	40 % w/w	No licensing permitted	ex 2829 90 10	ex 3824 99 96

<sup>(1)</sup> Commission Implementing Regulation (EU) 2017/1925 <sup>(1)</sup>. Subsequent amendments of Annex I to Council Regulation (EEC) No 2658/87 <sup>(2)</sup> should be consulted as regards updated CN codes.

<sup>(2)</sup> 16 % w/w of nitrogen in relation to ammonium nitrate corresponds to 45,7 % ammonium nitrate, discarding impurities.

# Annex 2 : Reportable Explosives Precursors

**Report  
within  
24 Hrs**

1. Name of the substance and Chemical Abstracts Service Registry number (CAS RN)	2. Combined Nomenclature (CN) code <sup>(1)</sup>	3. Combined Nomenclature (CN) code for mixtures without constituent explosives, precious or rare-earth metals or radioactive substances) which would determine classification under another CN code <sup>(1)</sup>
Hexamine (CAS RN 100-97-0)	ex 2933 69 40	ex 3824 99 93
Acetone (CAS RN 67-64-1)	2914 11 00	ex 3824 99 92
Potassium nitrate (CAS RN 7757-79-1)	2834 21 00	ex 3824 99 96
Sodium nitrate (CAS RN 7631-99-4)	3102 50 00	ex 3824 99 96
Calcium nitrate (CAS RN 10124-37-5)	ex 2834 29 80	ex 3824 99 96
Calcium ammonium nitrate (CAS RN 15245-12-2)	ex 3102 60 00	ex 3824 99 96
Magnesium, powders (CAS RN 7439-95-4) <sup>(2)</sup> <sup>(3)</sup>	ex 8104 30 00	
Magnesium nitrate hexahydrate (CAS RN 13446-18-9)	ex 2834 29 80	ex 3824 99 96
Aluminium, powders (CAS RN 7429-90-5) <sup>(2)</sup> <sup>(3)</sup>	7603 10 00 ex 7603 20 00	

<sup>(1)</sup> Implementing Regulation (EU) 2017/1925. Subsequent amendments of Annex I to Regulation (EEC) No 2658/87 should be consulted as regards updated CN codes.

<sup>(2)</sup> With a particle size less than 200 µm.

<sup>(3)</sup> As a substance or in mixtures containing 70 % w/w or more of aluminium or magnesium.

# Does not apply to



Articles as defined in point 3 of Article 3 of Regulation 1907/2006–  
Reach regulation



Pyrotechnic articles as defined in point 1 of article 3 of Directive  
2013/29/EU -pyrotechnics



Pyrotechnic articles for non commercial use on accordance with  
national law by the armed forces, LE or fire services.



Pyrotechnic articles falling within Directive 2014/90/EU – marine  
equipment



Pyrotechnic articles for use in the aerospace industry



Percussion caps intended for toys



Medical products that have been legitimately made available



# Free Movement

- Unless otherwise provided for in this Regulation or in other legal acts of the Union, Member States shall not prohibit, restrict or impede the making available of a regulated explosives precursor on grounds related to the prevention of the illicit manufacture of explosives.

# Definitions

- Substance
- Mixture
- Article
- Making Available
- Introduction
- Use
- Suspicious transfer
- Member of the general public
- Professional user
- Economic operator
- Online marketplace
- Restricted explosives precursors
- Regulated explosives precursors
- Agricultural activity

# Making available, introduction, possession and use



Restricted explosives precursors shall not be made available to, or introduced, possessed or used by members of the general public.



EXCEPT WITH LICENSE – see exemptions



LICENSE ISSUED BY COMPETENT  
AUTHORITY

# Licenses



the demonstrable need for the restricted explosives precursor and the legitimacy of its intended use;



the availability of the restricted explosives precursor at lower concentrations or alternative substances with a similar effect;



the background of the applicant, including information on previous criminal convictions of the applicant anywhere within the Union;



the storage arrangements that have been proposed to ensure that the restricted explosives precursor is securely stored.



# Format License

! Corrigendum to Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013

## ANNEX III

### FORMAT FOR A LICENCE

Format for a licence for a member of the general public to acquire, introduce, possess and use restricted explosives precursors, as referred to in Article 6(8).

1. Member of the general public (Name and address) Name: Identification Document Number: Address: Country: Tel.: Email:
2. Licence Number:
3. Licence for single use or multiple use (please tick) <input type="checkbox"/> single acquisition, introduction, possession and use of a restricted explosives precursor name of the restricted explosives precursor(s): maximum amount: maximum concentration: licensed use: <input type="checkbox"/> multiple acquisition, introduction, possession and use of a restricted explosives precursor name of the restricted explosives precursor(s): maximum amount in possession at any time: maximum concentration: licensed use:
4. If different than box 1 and required by national law, address where the restricted explosives precursor(s) will be stored:
5. If different than box 1 and required by national law, address where the restricted explosives precursor(s) will be used:
6. Indicate whether the restricted explosives precursor(s) is/are intended to be introduced or used (or both) in a Member State different from the Member State issuing this licence or outside the European Economic Area: <input type="checkbox"/> yes <input type="checkbox"/> no Address: Timeframe for the introduction or use (or both) of the restricted explosives precursor(s):*

# Informing the supply chain

Economic operator to economic operator informing about the restrictions regarding restricted as well as regulated explosives precursors



Economic operator shall be able to prove that its personnel is:

aware which of the products it makes available contain regulated explosives precursors;

instructed regarding the obligations pursuant to Articles 5 to 9.



Online marketplace will make sure that its users are informed of the obligations

# Verification upon sale

CUSTOMER STATEMENT ANNEX IV



proof of identity of the individual entitled to represent the prospective customer;



the trade, business, or profession together with the company name, address and the value added tax identification number or any other relevant company registration number, if any, of the prospective customer;



the intended use of the restricted explosives precursors by the prospective customer.

# Reporting suspicious transfers



appears unclear about the intended use of the regulated explosives precursors;



appears unfamiliar with the intended use of the regulated explosives precursors or cannot plausibly explain it;



intends to buy regulated explosives precursors in quantities, combinations or concentrations uncommon for legitimate use;



is unwilling to provide proof of identity, place of residence or, where appropriate, status as professional user or economic operator;



insists on using unusual methods of payment, including large amounts of cash.



# National contact point



clearly identified telephone number



e-mail address,



web form or any other effective tool for the reporting of suspicious transactions and significant disappearances and thefts.



The national contact points shall be available 24 hours a day, seven days a week.



Shall receive reports of suspicious transfers, theft and disappearances.

# Training and awareness raising



Adequate training resources and provision for:

LE authorities;  
First responders  
Customs



Once a year awareness campaigns



Organization of regular information exchange

# National inspection authorities



Resources



Investigative powers

# EU Commission guidelines



information on how to conduct inspections;



information on how to apply the restrictions and controls under this Regulation to regulated explosives precursors ordered at a distance by members of the general public or professional users;



information on possible measures to be adopted by online marketplaces to ensure compliance with this Regulation;



information on how to exchange relevant information between the competent authorities and the national contact points and between Member States;



information on how to recognise and report suspicious transactions;



information on storage arrangements which ensure that a regulated explosives precursor is securely stored;



other information, which may be deemed useful.

Chemical	May be present in
Hydrogen peroxide	Bleach, hair bleach, disinfectants, cleaning agents
Nitromethane	Fuel for model engines
Nitric acid	Etching agent, metal treatment, pH adjuster
Sodium chlorate, potassium chlorate, sodium perchlorate and potassium perchlorate	Pyrotechnic kits, aquatic oxygenating tablets
Ammonium nitrate <sup>2</sup>	Fertilizer, cold packs
Acetone	Nail polish remover, solvent
Hexamine	Solid fuel for camping stoves and model steam engines
Sulphuric acid	Drain cleaner, acid for car batteries (sold as such)
Potassium nitrate, sodium nitrate and calcium nitrate	Fertiliser, food preservative (sold as such), pyrotechnics
Calcium ammonium nitrate	Fertilizer
Aluminium/Magnesium powders	Pyrotechnic kits
Magnesium nitrate hexahydrate	Fertiliser

# Questions

THANK  
You!