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Council adopts EU-wide rules on the marketing and use of explosives precursors

The Council adopted today a regulation ([PE-CONS 48/12](#)) on the marketing and use of explosives precursors. The new rules address the problem of the misuse of certain chemicals that are explosives precursors for the illicit manufacture of explosives which can be used *e.g.* to carry out terrorist attacks.

Existing measures at different levels are either not specifically focused on the security risks associated with such chemicals or do not cover the entire EU. Therefore the precursors that may be restricted or controlled in one country might easily be obtained in another.

The aim of the new regulation is to ensure an increased level of security in the entire European Union by creating a common framework for the access to certain explosives precursors.

The scope of the regulation is limited to a short list of chemical substances and mixtures thereof that are the sources of greatest concern. The core element is a general prohibition for members of the general public 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.

As an exemption to this rule, the regulation provides that member states may create systems that allow members of the general public that have legitimate reasons to acquire these substances if they obtain a licence valid for one or more of the substances and present this license to the economic operator that makes the substance available.

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Member states can also create systems through which members of the general public will be able to acquire and use three¹ of the restricted substances that are widely used for legitimate purposes in a concentration interval specified in the regulation provided that the purchase is registered by the economic operator making the substance available.

The regulation creates also a system for reporting suspicious transactions for the explosives precursors listed in the annexes to the regulation as well as mixtures or other substances containing these explosives precursors.

These measures are intended to constitute a tangible deliverable under the ‘prevent’ strand of the [EU Counter-Terrorism Strategy](#) adopted by the JHA Council on 1 December 2005.

The regulation will be binding in its entirety and directly applicable in all member states and will apply 18 months after the date of its entry into force.

¹ The three chemical substances are hydrogen peroxide, nitric acid and nitromethane, which are relatively widely used in specialised applications.