

# Official Journal of the European Union

L 273



English edition

Legislation

Volume 60

24 October 2017

## Contents

### II *Non-legislative acts*

#### INTERNATIONAL AGREEMENTS

- ★ Notice concerning the provisional application of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part ..... 1

#### REGULATIONS

- ★ Commission Implementing Regulation (EU) 2017/1931 of 17 October 2017 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Bleu d'Auvergne (PDO)) ..... 2
- ★ Commission Implementing Regulation (EU) 2017/1932 of 23 October 2017 amending Council Implementing Regulation (EU) No 412/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China ..... 4

#### DECISIONS

- ★ Council Decision (CFSP) 2017/1933 of 23 October 2017 amending Decision (CFSP) 2015/1763 concerning restrictive measures in view of the situation in Burundi ..... 9
- ★ Council Decision (CFSP) 2017/1934 of 23 October 2017 amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea ..... 10
- ★ Council Decision (CFSP) 2017/1935 of 23 October 2017 amending Decision 2010/573/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova ..... 11

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

## RECOMMENDATIONS

- ★ **Commission Recommendation (EU) 2017/1936 of 18 October 2017 on immediate steps to prevent misuse of explosives precursors<sup>(1)</sup>** ..... 12

---

<sup>(1)</sup> Text with EEA relevance.

## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

**Notice concerning the provisional application of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part <sup>(1)</sup>**

The European Union and the Islamic Republic of Afghanistan have notified the completion of the procedures necessary for the provisional application of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part on 3 October 2017. Consequently, the Agreement applies provisionally in accordance with Article 59(3) of that Agreement as from 1 December 2017.

By virtue of Article 3 of Council Decision (EU) 2017/434 of 13 February 2017 on the signing and provisional application of the Agreement, the following provisions of the Agreement shall be applied provisionally between the Union the Islamic Republic of Afghanistan, but only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a common foreign and security policy:

Article 2 (General principles);

Article 3 (Political dialogue);

Article 4 (Human rights);

Article 5 (Gender equality);

Title III (Development cooperation);

Title IV (Cooperation on trade and investment matters);

Article 28 (Cooperation on migration);

Title VII (Regional cooperation);

Title VIII (Institutional framework) to the extent that the provisions of that Title are limited to the purpose of ensuring the provisional application of the Agreement;

Title IX (Final provisions) to the extent that the provisions of that Title are limited to the purpose of ensuring the provisional application of the Agreement.

---

<sup>(1)</sup> OJ L 67, 14.3.2017, p. 3.

# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2017/1931

of 17 October 2017

**approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Bleu d'Auvergne (PDO))**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined France's application for the approval of amendments to the specification for the protected designation of origin 'Bleu d'Auvergne', registered under Commission Regulation (EC) No 1107/96 <sup>(2)</sup>, as amended by Commission Regulation (EC) No 1259/2008 <sup>(3)</sup>.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* as required by Article 50(2)(a) of that Regulation <sup>(4)</sup>.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

### Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Bleu d'Auvergne' (PDO) are hereby approved.

### Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 (OJ L 148, 21.6.1996, p. 1).

<sup>(3)</sup> Commission Regulation (EC) No 1259/2008 of 16 December 2008 approving minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Bleu d'Auvergne (PDO)) (OJ L 338, 17.12.2008, p. 5).

<sup>(4)</sup> OJ C 194, 17.6.2017, p. 52.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 October 2017.

*For the Commission,  
On behalf of the President,  
Phil HOGAN  
Member of the Commission*

---

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1932****of 23 October 2017****amending Council Implementing Regulation (EU) No 412/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union <sup>(1)</sup> ('the basic Regulation'), and in particular Article 11(3) thereof,

Whereas:

**1. MEASURES IN FORCE**

- (1) By Council Implementing Regulation (EU) No 412/2013 <sup>(2)</sup> ('the original Regulation'), the Council imposed a definitive anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China ('PRC' or 'the country concerned'). The investigation that led to the aforesaid Regulation used as investigation period the period from 1 January 2011 to 31 December 2011 ('the original investigation').

**2. PRESENT INVESTIGATION****2.1. Procedure**

- (2) Following a request lodged by the Kyocera Fineceramics Group ('the applicant' or 'Kyocera'), the Commission announced by a notice ('the notice of initiation') published in the *Official Journal of the European Union* <sup>(3)</sup> the initiation of a partial interim review in accordance with Article 11(3) of the basic Regulation. The group includes Dongguan Shilong Kyocera Co. Ltd, an exporting producer in the PRC. The review was limited to the examination of the product scope as regards the clarification of whether certain product types (i.e. ceramic slicers, ceramic graters, ceramic scissors, ceramic scrapers, ceramic sharpeners and ceramic coffee mills or, together, 'the product types in question') fall within the scope of the anti-dumping measures applicable to imports of ceramic tableware and kitchenware originating in the country concerned.
- (3) The Commission officially advised all the parties that cooperated in the original investigation as well as the authorities of the PRC of the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and request a hearing within the time limit set in the notice of initiation.
- (4) The Commission sent a questionnaire to the applicant. In addition, the parties that cooperated in the original investigation were asked to comment on any differences between the product under review, as defined in recital 8, and the product types in question with respect to their basic physical, technical and chemical characteristics, their production process, end-uses and other aspects (if any).
- (5) Kyocera submitted a questionnaire response and comments on the substance of the review. One Italian distributor said that the product types in question represent a very small part of its assortment. Eighteen companies (two importers in Italy and 16 companies in the PRC) replied that they did not deal with the product types in question. The complainant in the original investigation came forward but made no representations.

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(2)</sup> OJ L 131, 15.5.2013, p. 1.

<sup>(3)</sup> OJ C 117, 12.4.2017, p. 12.

- (6) The Commission sought and verified all information deemed necessary for the purpose of the assessment as to whether there is a need for clarification/amendment of the scope of the existing anti-dumping measures.
- (7) All interested parties were informed of the essential facts and considerations on the basis of which the present conclusions were reached. In accordance with Article 20(5) of the basic Regulation, parties were granted a period within which they could make representations subsequent to the disclosure. Apart from the applicant (that welcomed the text), no parties submitted any oral or written comments.

## 2.2. Product under review

- (8) The product under review is the product concerned as defined in the original Regulation, i.e. ceramic tableware and kitchenware, excluding ceramic knives, ceramic condiment or spice mills and their ceramic grinding parts, ceramic peelers, ceramic knife sharpeners and cordierite ceramic pizza-stones of a kind used for baking pizza or bread ('the product under review'), currently falling within CN codes ex 6911 10 00, ex 6912 00 21, ex 6912 00 23, ex 6912 00 25 and ex 6912 00 29 (TARIC codes 6911 10 00 90, 6912 00 21 11, 6912 00 21 91, 6912 00 23 10, 6912 00 25 10 and 6912 00 29 10) and originating in the PRC.

## 2.3. Results of the investigation

### 2.3.1. Introduction and methodology

- (9) In light of the relevant statistics derived from Article 14(6) of the basic Regulation, each year some 350 000 tonnes of Chinese ceramic tableware and kitchenware enter the Union market.
- (10) According to Kyocera, the product types in question have different production process, end uses, design and physical characteristics than the product under review. Consequently, Kyocera claimed that, as it was confirmed for ceramic knives and other product types in the original investigation, the product types in question should also be excluded from the anti-dumping measures.
- (11) In light of their production processes and/or catalogues, in the original investigation the sampled cooperating producers in the Union and the PRC, and the analogue country producer in Brazil did not produce the product types in question. This finding was additionally supported by the statement of 16 companies (co-operating exporting producers of the product concerned in the PRC in the original investigation) and two importers in Italy referred to in recital 5. Therefore, all data and information used and presented in the original Regulation did not include any data related to the product types in question.
- (12) The Commission examined whether the product types in question were distinct from other types of ceramic tableware and kitchenware currently subject to measures based on (i) their physical, technical and chemical characteristics, (ii) their production process and (iii) their typical end-uses and interchangeability.

### 2.3.2. Basic physical, technical and chemical characteristics

- (13) Ceramic tableware and kitchenware as defined in the original Regulation is made of 'traditional ceramics', i.e. porcelain or china, of common pottery, stoneware, earthenware or fine pottery or other materials which confer it a strength of 1 000 kg/m<sup>2</sup>~1 200 kg/m<sup>2</sup>.
- (14) The product types in question include a working part (to cut, grind or sharpen) and a non-working part (to handle them). The working part is made of advanced ceramics.
- (15) Advanced ceramic items are developed with advanced technology so that they suit as industrial materials. They are heat resistant, have an anti-wear performance and insulating material. Their strength is 10 000 kg/m<sup>2</sup>~12 000 kg/m<sup>2</sup>.
- (16) The main raw materials of traditional ceramics include minerals such as kaolin, feldspar and quartz. Either zirconium oxide or aluminium oxide is the key raw material of advanced ceramics.

- (17) Due to its specific design and physical characteristics, ceramic tableware and kitchenware as defined in the original Regulation covers mainly items aimed at retaining foodstuff. Due to their specific design and physical characteristics (shape and hardness) the product types in question are aimed at cutting (pieces of) foodstuff in different ways, including for example grinding or, as is the case of ceramic sharpeners, at sharpening certain tools.

#### *2.3.3. Production process*

- (18) The review investigation established that a production line used to produce traditional ceramics is not suitable to produce advanced ceramics. Typically the production process of traditional ceramics requires adding water to the raw material to make clay or barbotine, then shaping and later firing in a conventional kiln at a temperature of 1 000 °C-1 250 °C. By distinction, the working parts of the product types in question are produced by putting pure ceramic powder into a mould which is placed under high pressure to solidify the powder in the desired shape. The material is fired and sintered in a kiln under precisely controlled temperatures (the firing temperature being 1 400 °C).

#### *2.3.4. Typical end-uses and interchangeability*

- (19) As highlighted in recital 17, the product types in question are not aimed at retaining foodstuff, which is the typical end-use of the product concerned as defined in the original Regulation.
- (20) The review investigation has shown that there is no interchangeability between any of the categories of the product under review and the product types in question.

### **2.4. Conclusion on the product scope**

- (21) The review investigation has established that, due to their different physical, technical and chemical characteristics, different end-uses and different production process, the product types in question do not fall within the product scope of the antidumping measures in force.
- (22) It is therefore considered appropriate to clarify that the product types in question do not fall within the product scope subject to antidumping measures.
- (23) Given the above, it is considered appropriate to amend the original Regulation to clarify the product definition.
- (24) Interested parties were informed of the conclusions of the review investigation.

### **2.5. Retroactive application**

- (25) The notice of initiation invited interested parties to make their views known on the possible retroactive application of any Regulation resulting from this review. Except for the applicant, no party made any representation on this issue.
- (26) Since the present review investigation was limited to the clarification of the product scope and since the product types in question were not covered by the original investigation and the consequent anti-dumping measure, it is considered appropriate that the findings of this review be applied from the date of the entry into force of the original Regulation, including any imports subject to provisional duties between 16 November 2012 and 16 May 2013. The Commission has not found any overriding reason preventing the application of such retroactive provision.
- (27) Consequently, for goods not covered by Article 1(1) of the original Regulation as amended by this Regulation, the definitive anti-dumping duty paid or entered in the accounts pursuant to Article 1(1) of the original Regulation (EU) No 412/2013 and the provisional antidumping duties definitively collected pursuant to Article 2 of the same Regulation should be repaid or remitted.

- (28) Repayment or remission must be requested from national customs authorities in accordance with applicable customs legislation.
- (29) This review does not affect the date on which the original Regulation will expire pursuant to Article 11(2) of the basic Regulation.
- (30) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Article 1(1) of Council Implementing Regulation (EU) No 412/2013 is hereby replaced by the following:

‘1. A definitive anti-dumping duty is hereby imposed on imports of ceramic tableware and kitchenware currently falling within CN codes ex 6911 10 00, ex 6912 00 21, ex 6912 00 23, ex 6912 00 25 and ex 6912 00 29 (TARIC codes 6911 10 00 90, 6912 00 21 11, 6912 00 21 91, 6912 00 23 10, 6912 00 25 10 and 6912 00 29 10) and originating in the People’s Republic of China.

The following goods are excluded:

- ceramic condiment or spice mills and their ceramic grinding parts,
- ceramic coffee mills,
- ceramic knife sharpeners,
- ceramic sharpeners,
- ceramic kitchen tools to be used for cutting, grinding, grating, slicing, scraping and peeling, and
- cordierite ceramic pizza-stones of a kind used for baking pizza or bread.’

#### *Article 2*

For goods not covered by Article 1(1) of Implementing Regulation (EU) No 412/2013 as amended by this Regulation, the definitive antidumping duties paid or entered into account pursuant to Article 1(1) of Implementing Regulation (EU) No 412/2013 in its initial version and the provisional anti-dumping duties definitively collected pursuant to Article 2 of the same Regulation shall be repaid or remitted.

Repayment and remission shall be requested from national customs authorities in accordance with applicable customs legislation.

Where the time limit of three years provided for in Article 121(1)(a) of Regulation (EU) No 952/2013 of the European Parliament and Council <sup>(1)</sup> expired before or on the date of publication of this Regulation, or within six months after that date, it shall be prolonged for a period of six months after the date of publication of this Regulation pursuant to Article 121(1), second paragraph of Regulation (EU) No 952/2013.

#### *Article 3*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 16 November 2012.

---

<sup>(1)</sup> OJ L 269, 10.10.2013, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 October 2017.

*For the Commission*

*The President*

Jean-Claude JUNKER

---

# DECISIONS

## **COUNCIL DECISION (CFSP) 2017/1933**

**of 23 October 2017**

**amending Decision (CFSP) 2015/1763 concerning restrictive measures in view of the situation in Burundi**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 1 October 2015, the Council adopted Decision (CFSP) 2015/1763 <sup>(1)</sup>, concerning restrictive measures in view of the situation in Burundi.
- (2) On the basis of a review of Decision (CFSP) 2015/1763, the restrictive measures should be renewed until 31 October 2018.
- (3) Decision (CFSP) 2015/1763 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

### *Article 1*

The second paragraph of Article 6 of Decision (CFSP) 2015/1763 is replaced by the following:

‘It shall apply until 31 October 2018.’.

### *Article 2*

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 23 October 2017.

*For the Council*

*The President*

K. IVA

---

<sup>(1)</sup> Council Decision (CFSP) 2015/1763 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi (OJ L 257, 2.10.2015, p. 37).

**COUNCIL DECISION (CFSP) 2017/1934**  
**of 23 October 2017**  
**amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 25 October 2010, the Council adopted Decision 2010/638/CFSP <sup>(1)</sup> concerning restrictive measures against the Republic of Guinea.
- (2) On the basis of a review of Decision 2010/638/CFSP, those restrictive measures should be extended until 27 October 2018.
- (3) Decision 2010/638/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Article 8(2) of Decision 2010/638/CFSP is replaced by the following:

‘2. This Decision shall apply until 27 October 2018. It shall be kept under constant review. It shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.’.

*Article 2*

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 23 October 2017.

*For the Council*  
*The President*  
K. IVA

---

<sup>(1)</sup> Council Decision 2010/638/CFSP of 25 October 2010 concerning restrictive measures against the Republic of Guinea (OJ L 280, 26.10.2010, p. 10).

**COUNCIL DECISION (CFSP) 2017/1935****of 23 October 2017****amending Decision 2010/573/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 27 September 2010, the Council adopted Decision 2010/573/CFSP <sup>(1)</sup>.
- (2) On the basis of a review of Decision 2010/573/CFSP, the restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova should be extended until 31 October 2018. The Council will carry out a review of the situation with regard to the restrictive measures after six months.
- (3) Decision 2010/573/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Article 4(2) of Decision 2010/573/CFSP is hereby replaced by the following:

‘2. This Decision shall apply until 31 October 2018. It shall be kept under constant review. It shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.’.

*Article 2*

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 23 October 2017.

*For the Council*

*The President*

K. IVA

---

<sup>(1)</sup> Council Decision 2010/573/CFSP of 27 September 2010 concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova (OJ L 253, 28.9.2010, p. 54).

# RECOMMENDATIONS

## COMMISSION RECOMMENDATION (EU) 2017/1936

of 18 October 2017

on immediate steps to prevent misuse of explosives precursors

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Recent terrorist attacks and incidents indicate that the threat posed by home-made explosives in Europe remains high. Explosives precursor substances continue to be accessed and used for the purpose of making home-made explosives, in spite of efforts to effectively restrict and control access to them.
- (2) In its Resolution 2370 (2017), the UN Security Council stresses the paramount need to prevent terrorists from using or seeking access to raw materials and components that can be used to manufacture explosives and calls for enhanced vigilance, including through the issuance of good practices, sharing information across borders and establishment of partnerships.
- (3) Regulation (EU) No 98/2013 of the European Parliament and of the Council <sup>(1)</sup> establishes 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 their availability to the general public, and ensuring the appropriate reporting of suspicious transactions throughout the supply chain.
- (4) Proper application of Regulation (EU) No 98/2013 by all Member States is necessary to achieve its objective of improving the free movement of chemical substances and mixtures within the internal market and removing distortions of competition, while ensuring a high level of protection of the safety of the general public. It will also further the objectives of Directive (EU) 2017/541 of the European Parliament and of the Council <sup>(2)</sup> to prevent terrorist offences, involving the manufacture, possession, acquisition, transport, supply or use of explosives, as well as the provision and reception of instructions on making or using explosives.
- (5) This Recommendation aims to ensure that the objective of Regulation (EU) No 98/2013 can be more effectively achieved by providing guidance to Member States on its application. This Recommendation complements the Guidelines <sup>(3)</sup> adopted by the Commission and the Standing Committee on Precursors <sup>(4)</sup> and takes into account the discussions held in that committee and during a series of regional workshops involving Member State authorities, organised in 2016 and 2017.
- (6) The availability of explosives precursors to the general public should be restricted to prevent terrorists to acquire explosives precursors. Regulation (EU) No 98/2013 restricts the access to, and use of, seven chemical substances (restricted explosives precursors listed in Annex I to Regulation (EU) No 98/2013) <sup>(5)</sup> by members of the general public.

<sup>(1)</sup> Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

<sup>(2)</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

<sup>(3)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/crisis-and-terrorism/explosives/explosives-precursors/docs/guidelines\\_on\\_the\\_marketing\\_and\\_use\\_of\\_explosives\\_precursors\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/crisis-and-terrorism/explosives/explosives-precursors/docs/guidelines_on_the_marketing_and_use_of_explosives_precursors_en.pdf)

<sup>(4)</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail=3245>

<sup>(5)</sup> Hydrogen peroxide, Nitromethane, Nitric acid, Potassium chlorate, Potassium perchlorate, Sodium chlorate, Sodium perchlorate in a concentration higher than the corresponding limit value set out in Annex I and including a mixture or another substance in which such a listed substance is present in a concentration higher than the corresponding limit value.

- (7) Notwithstanding this prohibition, Member States may decide to grant access by the public to those substances only through a system of licences and registration. As of 1 January 2017, 16 Member States have licensing and/or registration regimes in place instead of a prohibition <sup>(1)</sup>. Thus, in those Member States, restricted explosives precursor substances and mixtures are still accessed and used by members of the general public.
- (8) Member States should identify and promote lower concentrations and alternative substances with less concern to security and establish conditions on the storage of explosives precursors. Member States which have a licensing regime should carry out checks on the background of the individual asking for a licence.
- (9) This Recommendation also calls for improved enforcement of the restrictions and controls laid down in Regulation (EU) No 98/2013 and cross-sectoral cooperation. Increasing the level of awareness among all actors in the supply chain, including those operating online, will better enable them to comply with their obligations under Regulation (EU) No 98/2013.
- (10) Without prejudice to the legal frameworks for the cross-border exchange of information in the context of criminal investigations concerning a terrorist offence <sup>(2)</sup> or in the area of customs <sup>(3)</sup>, this Recommendation calls for the exchange of information on suspicious transactions, disappearances, thefts, and other suspicious incidents or licence applications, when this appears to have a cross-border element.
- (11) Although recent attacks and incidents have mostly involved triacetone triperoxide (TATP), the threat concerns a wider range of home-made explosives and explosives precursor substances. The Union and its Member States must remain vigilant by detecting and addressing developments in this area, in cooperation with relevant stakeholders and users.
- (12) Since the adoption of the Regulation, the Commission has monitored and facilitated its application in close collaboration with the Standing Committee on Precursors. In February 2017, the Commission adopted a report <sup>(4)</sup> which concluded that, although the entry into force of the Regulation has contributed to reducing the threat posed by explosives precursors in Europe, it is necessary to identify measures and actions which strengthen the system of controls around homemade explosives. In May 2017, the Commission has started its work to review the Regulation <sup>(5)</sup> on Explosives Precursors with an evaluation that will be followed by an impact assessment during the first half of 2018. The evaluation will examine the relevance, effectiveness, efficiency, coherence and added value of the Regulation as well as identify problems and obstacles that might require further action. The impact assessment will examine various policy options to address any problems and obstacles identified. Pending the outcome of this review, the Recommendation recommends that Member States take immediate steps to effectively restrict the availability of explosives precursors to the general public within the framework of the existing Regulation,

HAS ADOPTED THIS RECOMMENDATION:

### **Limiting the availability of explosives precursors to the general public**

1. Member States should take all necessary measures under Regulation (EU) No 98/2013 to restrict the availability of explosives precursors to the general public and prevent terrorists from accessing explosives precursors, as well as ensuring the appropriate reporting of suspicious transactions throughout the supply chain. To this end, Member States should carefully assess whether the prohibition, licensing or registration system that they have put in place is effectively meeting these objectives. Member States should inform the Commission of the results of their assessment within four months after the adoption of this Recommendation. This information will contribute to the assessment of possible further measures at EU level.

<sup>(1)</sup> Report from the Commission on the application of, and delegation of power under, Regulation (EU) No 98/2013 of the European Parliament and of the Council on the marketing and use of explosives precursors, COM(2017) 103 final of 28 February 2017.

<sup>(2)</sup> Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (OJ L 253, 29.9.2005, p. 22).

<sup>(3)</sup> Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

<sup>(4)</sup> Report from the Commission on the application of, and delegation of power under, Regulation (EU) No 98/2013 of the European Parliament and of the Council on the marketing and use of explosives precursors, COM(2017) 103 final of 28 February 2017.

<sup>(5)</sup> [https://ec.europa.eu/home-affairs/what-is-new/work-in-progress/initiatives/revision-regulation-marketing-and-use-explosives-precursors\\_en](https://ec.europa.eu/home-affairs/what-is-new/work-in-progress/initiatives/revision-regulation-marketing-and-use-explosives-precursors_en)

2. In addition, Member States should urgently take the following actions:

- (a) promote and, where possible and appropriate, require the use of alternative substances or lower concentrations which can be used for the same legitimate activity with less concern to security;
- (b) lay down security conditions on the storage of explosives precursors for economic operators, professional users, and members of the general public who are legally in possession of explosives precursors;
- (c) provide clear guidance to economic operators about how to effectively and efficiently verify whether a person is a member of the general public or not. To that end, Member States could apply a notion of 'professional user' which implies that a person has a need for a restricted explosives precursor for purposes connected with trade, business or profession;
- (d) where a licensing scheme is in place pursuant to Article 4(2) of the Regulation (EU) No 98/2013, carry out checks on the background of the individual applying for a licence, in particular verifying the criminal records of the applicant in all states of residence during the preceding five years; and
- (e) set up inspection systems to identify non-compliance by economic operators.

### **Strengthening cooperation and engaging with the supply chain**

3. In order to strengthen cooperation and engage with the supply chain, Member States should:

- (a) provide training to ensure that law enforcement, first responders and customs authorities are able to recognise explosives precursor substances and mixtures during the course of their duties and to react in a timely and appropriate manner to suspicious activity;
- (b) in addition to the existing reporting obligations in Article 9(4) of Regulation (EU) No 98/2013, encourage end-users of explosives precursors to report significant disappearances and thefts;
- (c) insofar as not already covered by existing obligations in Union legislation, exchange information on suspicious transactions, disappearances, thefts and other suspicious incidents or licence applications, whenever these might have cross-border elements, with other Member States concerned, as soon as possible and in accordance with national law and relevant international legal instruments; and
- (d) identify all sectors of relevance, including those operating online, target awareness-raising actions to the specifics of each different sector, and maintain a dialogue with the supply chain and with end-users to improve understanding of the legitimate professional and non-professional uses of explosives precursors.

Done at Brussels, 18 October 2017.

*For the Commission*  
Julian KING  
*Member of the Commission*

---







