



Regulation (EU) 2019/1148: Marketing and Use of Explosives Precursors

The incidence of terrorist attacks in Europe involving improvised explosive devices (IEDs) and home made explosives (HMEs) has increased in recent years. Europol (the European Union's law enforcement agency) reports confirm that HMEs, fabricated from chemical precursors, are the most frequently used to carry out attacks.

Introduction

An EU Action Plan on Enhancing the Security of Explosives was approved in April 2008. Included in this plan was a measure to regulate and control the marketing and use of explosives precursors. This led to the publication in 2013 of: Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 Jan 2013 on the marketing and use of explosives precursors.

[CLICK HERE to view Regulation \(EU\) 2019/1148](#)

Regulation

The overall aim of the new Regulation is to establish harmonised rules across the EU concerning the acquisition, possession and use of substances or mixtures that could be used for the illicit manufacture of homemade explosives. The introduction of the regulation aims to limit the availability of explosive precursors to the general public, and to ensure that appropriate reporting of suspicious transactions throughout the supply chain is introduced.

Conclusion of the European Parliament and Council

- Products that contain a certain concentration of hydrogen peroxide, nitric acid or sulphuric acid can be used to create explosives
- Chemicals are too easily available for illicit manufacture of explosives
- Sales and supply of such chemicals should be regulated and verified.



Impact to chemical manufacturers

Diversey and other chemical manufacturers are legally obliged and responsible to:

- Ask the customer to fill in the customer's statement and to provide a scanned copy of their proof of ID (or verify their ID electronically)
- Check whether the person purchasing the goods is authorised to purchase restricted explosives precursors on behalf of their company or institution
- -Check that the product being purchased matches information on the customers statement; i. Substance, ii. Concentration, iii. Quality
- Asses whether the intended use is consistent with the trade, business or professions of the prospective customer. If not consistent, the (attempted) transaction should be reported as a suspicious transaction and may be refused.
- Check whether the person receiving the goods is authorised to receive restricted explosives precursors on behalf of their company of institution

What this means for you

Before a delivery can take place, an authorised representative will need to sign a statement including:

- The Trade/Business/Profession, the Company Name, the Value Added Tax identification number (or any other relevant company registration number)
- The intended use of the products
- Proof of identity of the individual entitled to represent the customer (passport or similar identity card)

Our distributors and customers with a central warehouse are held to the same obligations as Diversey and should also get a signed statement from their customers/sites before any delivery can take place.

Timing

Companies need to be compliant to this new EU regulation by February 2021.

Q&A

What is an explosives precursor?

An explosives precursor is a chemical substance which can be made into an explosive with relative ease e.g. by mixing or blending with other substances, or by simple chemical processing.

How do I know if the product I am buying is affected by this regulation?

Customers (existing and prospective) of affected products will be notified by a Diversey representative and asked to complete a legitimate user certificate before the order can be processed.

Does a single verification certificate encompass all sites and subsidiaries that are part of a multinational company?

This is possible depending on the legal structure of the company and that the signee has the authority to sign on behalf of multiple sites.

How is the signee's personal data being used by Diversey?

Diversey has a legitimate interest and a legal obligation to collect this data. Personal information will be stored in line with the regulation and will comply with GDPR and other related data protection requirements.

When you sign the Certificate, you agree to our data privacy rules, please check them [HERE](#)

