



STANDING COMMITTEE ON PRECURSORS

Report of the 1st meeting of the SCP Subgroup on Substances

7 October 2015, 10:00 – 13:30

Silken Berlaymont Hotel, 11-19 Boulevard Charlemagne, 1000 Brussels

This meeting concerned the preparation of delegated acts

A classified preparatory meeting with SCP Members only took place on 6 October.

1) Welcome and approval of the draft Agenda

DG HOME welcomed participants and introduced the objectives of the meeting, which were very specific: to examine three proposals submitted by SCP Members to amend the Annexes of Regulation (EU) 98/2013 on the marketing and use of explosives precursors. These three proposals were circulated via CIRCABC in advance of the meeting.

2) Substances proposed for addition into Annex II

The two amendments below can be introduced via the adoption by the Commission of separate delegated acts.

Sweden presented its proposal to add magnesium nitrate hexahydrate (CAS RN 13446-18-9) to Annex II. The main use of this substance is in the form of fertilisers, by professionals. Other known uses by the public are for making ceramics and in printing, but the impact on the supply chain and consumers is expected to be low.

There were no major objections to the proposed amendment, but the ensuing discussion extended to other nitrates, including calcium nitrate tetrahydrate, and to nitrogenous fertilisers as a whole:

- Two alternative measures were also discussed, which would consist in (a) adding 'fertilizers with nitrogen content from nitrate equal or higher than 8 % by weight' or (b) adding 'nitrogenous (solid and liquid) fertilizers with nitrogen (N) content equal or higher than 3% by weight', both as a group of substances, to Annex II. These two alternative measures have already been discussed in previous SCP meetings¹ without reaching consensus. DG HOME will check whether groups of substances, as opposed to individual substances, can be the subject of delegated acts.
- Participants also noted that the inclusion of calcium nitrate in Annex II, as opposed to including calcium nitrate *tetrahydrate*, could be regarded as an error, since the *tetrahydrate* is the form used for fertilizers. DG HOME will check whether the CAS number could be changed as a correction.

In addition, some participants noted that, ideally, all hydrate forms of all the listed nitrate salts should be covered in the Regulation's scope, since chemical conversions between them are in principle possible.

Finally, participants noted that the units of the limit value applicable to Nitromethane (Annex I) are not those naturally used for liquid mixtures such as nitromethane. Instead of weight

¹ See reports from the 14th and 15th SCP meetings, held on 20 January and 8 October 2014



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(w/w), the units should be volume (v/v)². The SCP Guidelines now clarify that the 30% by weight limit should be regarded as corresponding to 25% by volume.

The Netherlands presented its proposal to add the following metal powders to Annex II:

- Aluminium and alloys thereof with a particle size less than 200 µm (CAS RN 7429-90-5) [in concentration of 70 % w/w or higher]
- Magnesium and alloys thereof with a particle size less than 200 µm (CAS RN 7439-95-4) [in concentration of 70 % w/w or higher]
- Magnalium and alloys thereof with a particle size less than 200 µm (CAS RN 7429-90-5, 7439-95-4) [in concentration of 70 % w/w or higher]

In the ensuing discussion, Denmark noted that it already restricts the marketing and use of metal powders (over 70 % w/w) and that it has not experienced any problems in doing so. The main consumer products identified were some types of paints and pyrotechnic articles. The latter articles are however explicitly exempted from the scope of the Regulation³.

There were no objections to the proposed amendment, but some suggested that magnalium, being itself an alloy of the other two substances, should not be added to Annex II.

On the basis of the discussions and further input, DG HOME will before the next SCP meeting:

- Consult the Legal Service on whether groups of substances can be the subject of delegated acts.
- Consult the Legal Service on whether the CAS number for calcium nitrate (Annex II) and the units applicable to nitromethane (Annex I) can be corrected by issuing a simple corrigendum.
- Assess whether to launch the preparatory work towards the adoption of one or several delegated acts, and of one or several corrigenda.

3) Substances proposed for addition into Annex I

The United Kingdom presented its proposal to transfer Sulphuric acid (in concentration of 40 % w/w or higher) into Annex I. This amendment can only be introduced via the adoption by the Commission of a legislative proposal. The main consumer products identified were some drain cleaner products in niche markets where the number of sales are very low.

In the ensuing discussion, Denmark and Sweden noted that they already restrict sulphuric acid over specific concentrations, and that they have not experienced any problems in doing so.

Sulphuric acid is scheduled under the Drug Precursors Regulation. It is subject to the reporting of suspicious transactions in that context, to export authorisations to third countries in some instances, and to a registration requirement also in some instances⁴.

DG HOME will before the next SCP meeting:

- Assess whether to launch the preparatory work towards a legislative proposal or to postpone it until the review of the Regulation that will be conducted in 2017.

² See Impact Assessment accompanying the proposal for a Regulation (SEC(2010) 1040 final)

³ See article 2(2)(b).

⁴ See Regulation (EC) No 111/2005 and Regulation (EC) No 1277/2005



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4) AOB

The Netherlands reminded participants that the final conference of the "Security of Sales of High Risk Chemicals" project will take place on 18 November in Antwerp, Belgium. There a reduced number of places still available. Please express interest or send any questions to SOS-HRC@nctv.minvenj.nl.

DG HOME proposed to hold the next meeting of the SCP in January 2016 (it had previously been tentatively scheduled for December 2015).

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SCP Members and Observers should ensure that they have access to CIRCABC, as correspondence and sharing of documents is done via this platform.

<https://circabc.europa.eu/>

Comments, suggestions and questions on the implementation of the Regulation can be addressed to HOME-EXPLOSIVES@ec.europa.eu.

Important note on Confidentiality

Under Article 15 of the SCP Rules of Procedure, the Committee's deliberations and internal working documents, including presentations, shall be confidential and may be made public only upon express consent of their author(s).