



EUROPEAN COMMISSION

*Brussels, 4.12.2018
C(2018) 7692 final*

Dear President,

The Commission would like to thank the Senát for its Opinion on the proposal for a Regulation of the Parliament and of the Council on the marketing and use of explosives precursors {COM(2018) 209 final}.

The proposal is part of a package of measures aiming to further curtail the space in which terrorists and criminals operate – denying them the means needed to plan, finance and carry out crime. Homemade explosives have been used by terrorists in many attacks in Europe over the past years. The proposal intends to close this security gap by strengthening the current rules on marketing and use of explosives precursors. The Commission welcomes the Senát's support for this objective.

The Commission takes note that the Senát considers that the definition of 'restricted explosives precursor' should be expanded to include also mixtures of two or more precursors, in which the limit values for individual precursors are not exceeded.

In the preparations leading to its proposal, most stakeholders also highlighted the importance of raising awareness with businesses on the obligations of the Regulation. The Commission takes note that the Senát does not support the proposed obligation on Member States to organise at least two awareness-raising actions every year. The Commission considers that substantial awareness raising is needed, but is open to discuss the frequency of such actions, provided that the new Regulation sets a concrete minimum standard.

The Senát advocates that there should be more than one year between the date of entry into force of the Regulation and its date of application, in order to reflect the average duration of the legislative process in the Czech Republic.

The Commission duly takes into consideration the average duration of the legislative process in the Member States of the European Union. The one-year period was proposed keeping in mind that EU regulations are binding in their entirety and directly applicable

*Mr Milan ŠTĚCH
President of the Senát
Valdštejnské náměstí 17/4
CZ – 118 01 PRAGUE*

in all Member States (Art. 288 of the Treaty on Functioning of the European Union). Moreover, the legislative changes that might be required for applying the proposed regulation are relatively limited, taking into account that it builds upon the existing legal framework. Furthermore, the gaps in the current legal framework that are being addressed through the proposed Regulation present serious risks to the security of our citizens, and therefore swift action is required.

The Commission hopes that these clarifications address the issues raised by the Sénat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*