



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 31 March 2008

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REV 1**

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NOTE

from :	Presidency
to :	Article 36 Committee
Subject :	Action Plan on Enhancing the Security of Explosives

1. Delegations will find attached a Presidency proposal for the Action Plan on Enhancing the Security of Explosives, on the basis of work of the Terrorism Working Party at its meetings of 16 January, 18 February and 11 March 2008.
2. The Committee is invited to:
 - solve outstanding problem on points 1.1.2 (creation of a European Bomb Data System) and 2.8.2 (harmonization of criminal sanctions for distributing bomb-making experience over the Internet), and
 - confirm the agreement on the other points of the text.

Annex – Action Plan on Enhancing the Security of Explosives

Horizontal measures

No.	Measure/Action	Competent body	Deadline	Status/Observations
<i>Priority 1: Improve the exchange of timely information and best practices</i>				
1.1.1	<p>Establish an Early Warning System concerning explosives</p> <p>Such a system would be used in order to exchange information concerning:</p> <ul style="list-style-type: none">• Immediate threats;• Theft of explosives (any kind);• Theft of detonators;• Theft of precursors; (to be discussed)• Suspicious transactions;• Discovery of new <i>modi operandi</i>. <p>The system should be available in particular to Member States public security authorities (national contact points), Europol and all operational Explosive Ordnance Disposal (EOD) units.</p>	MS/Europol/Commission	End 2008	Task Force Recommendation No. 39 and 40

1.1.2	<p>1.1.2 Creating a European Bomb Data System¹</p> <p>This system should provide a common EU instrument enabling authorised governmental bodies at EU and Member State level to have 24/7 access to relevant information on incidents involving explosive devices. At least all operational EOD units in the Member States, which have such a status in accordance to national law, should have a secure access to the database. Access by other competent authorities in the Member States need be considered in accordance with national law.</p> <p>Competent units or bodies of the Member States should be strongly obliged to provide necessary information for inclusion in the database.</p>	Europol/MS/Commission	End 2008	Task Force Recommendation No. 35, 36, 37
1.1.3	<p>Regularly (every two years) organise an event on the security of explosives covering all relevant issues.</p> <p>Such an event/conference should involving officials from both the public and private sectors.</p>	Commission	Ongoing every two years	Task Force Recommendation No. 50
1.1.4	<p>Engage in dialogue and exchange of best practices with external partners</p> <p>The raising of security standards outside of the EU, in particular in ENP countries, should be encouraged.</p>	MS/Commission	Ongoing	

¹ Reservation by Germany

Priority 2: Step-up explosives-related research				
1.2.1	<p>Improve the aggregation and spread of research results between identified competent authorities both at EU level as well as at national level among the EU Member States and also define specific research areas such as:</p> <ul style="list-style-type: none"> • precursors linked to IEDs, • detection technologies, and identification of various problems, • weaknesses in the systems. 	MS/Commission	ongoing	Task Force Recommendation No. 49
1.2.2	Perform further research on improvised explosive devices and their properties	MS/Commission	ongoing	Task Force Recommendation No. 47
1.2.3	<p>Perform further research on the detection of explosives and precursors including through the use of additives</p> <p>Enhancing both detectability and traceability should be considered.</p>	MS/Commission	ongoing	Task Force Recommendation No. 47

1.2.4	Perform further research on mobile explosives testing kits/detection devices (non destructive methods).	MS/Commission	ongoing	Task Force Recommendation No. 47
1.2.5	Perform further research to find inhibitors which could be added to precursors to explosives to prevent them being used to manufacture explosive devices	MS/Commission	ongoing	Task Force Recommendation No. 48
1.2.6	Perform further research concerning the detection of Improvised Explosive Devices at transit hubs. Special focus should be given to research on the detection of liquid explosives.	MS/Commission	Ongoing Progress to be assessed annually	Task Force Recommendation No. 31
1.2.7	Support further research in order to find technical solutions for Member State authorities to jam wireless signals in threatened areas	MS/Commission	ongoing	Task Force Recommendation No. 45

Prevention measures

No.	Measure/Action	Competent body	Deadline	Status/Observations
<i>Priority 1: Improve staff awareness concerning precursors</i>				
2.1.1	Public authorities to provide security information to the entire precursor supply chain, from manufacturers to the retailers, first responders (police, fire-departments, bomb-squads) and educational establishments to focus attention on products of concern	MS	Ongoing	Task Force Recommendation No. 1
2.1.2	Campaigns should be conducted to raise staff-awareness of the threat all along the supply chain amongst manufacturers, formulators, distributors and retailers of precursors.	MS	Ongoing	Task Force Recommendation No. 3

Priority 2: Improve the regulation of explosives precursors available on the market				
2.2.1	<p>The establishment of a Standing Committee to consider measures and prepare recommendations concerning the regulation of explosives precursors available on the market taking into account their cost-benefit effects.</p> <p>The Standing Committee of Experts will be tasked <i>inter alia</i> with identifying, when possible substance by substance, the risks associated with various precursors such as peroxide of hydrogen, nitromethane, chlorates, or other substances identified by the competent services as susceptible to be used to commit terrorist attacks, as well as recommending appropriate actions to the Commission. The Committee should consider and/or monitor the following issues:</p> <ul style="list-style-type: none"> • On the basis of research, development of suitable additives and promotion of the use of these additives to precursors in order to prevent their use in explosives, when it is technically possible. • Determining restrictions on concentration concerning the sale of certain precursors to end-users, based on established quantities of precursors necessary for producing explosives. 	Commission/MS	<p>Start by end of 2007</p> <p>Ongoing</p>	Task Force Recommendation No. 4

	<ul style="list-style-type: none"> • A complete ban on concentrated strong acids to EU consumer markets (non-professional markets) when a substitute giving an equal use is technically possible: sulphuric, hydrochloric and nitric acids in particular. • Feasibility of introduction of a voluntary market surveillance scheme for ammonium nitrate fertilizers and examination of possible restrictions on the sale of high nitrogen fertilizers to the general public. • Limiting the availability of pure nitromethane to the general public. It should be available to industrial customers via a suitable customer qualification scheme. • Restrictions on access of the general public to unphlegmatized sodium chlorate (weed killer). • The feasibility and added value of introducing a complete ban on selling certain precursors to minors. 			
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	<p>The work of the Committee should take into account the detailed measures proposed in the Explosives Security Experts Task Force report.</p> <p>In order to avoid duplicating existing measures or adding unnecessarily to the burden faced by legitimate business, it is important that account is also taken of existing controls on similarly sensitive items. Trading in explosive materials, such as acetone, hydrochloric and sulphuric acid is already covered by the existing Community drug precursor legislation. This legislation offers effective controls and must be taken into consideration before new mechanisms are proposed. To be effective controls will have to apply to imports, exports, transit and intra-Community movements.</p>			
2.2.2	<p>Introduce a system for the recording of the identity of the buyer of precursors above certain quantities and/or concentrations. The records should be available to the law enforcement authorities on request or provided to the national contact point in case of suspicious transactions. All relevant data protection rules should apply</p> <p>The relevant quantities and/or concentrations would be set based on the work of the Standing Committee of Experts.</p>	Commission/MS	<p>Start in 2008</p> <p>Assess the need to setup a concrete system by end 2008</p>	Task Force Recommendation No. 7

2.2.3	<p>Taking into account the already existing measures, a European minimum standard and industrial guidance by way of an appropriate code should be defined concerning the security of storage of explosives precursors</p> <p>It should not be in conflict with other Regulations.</p>	Commission/MS	End 2008	Task Force Recommendation No. 8
Priority 3: Improve the control over transactions involving precursors				
2.3.1	<p>Establish a system of reporting suspicious transactions</p> <p>Simple means should exist for anyone within the supply chain to alert the relevant national authority if they see a transaction or theft which they suspect to have been made with the intention of illegally fabricating explosives.</p> <p>A binding system could be considered concerning the notification to the relevant national authority of any transactions involving the products on the list which can be considered suspicious. A “code of conduct”, similar to the EC code for drug precursors, should be developed, for industry and retailers, identifying the behaviours which may give rise to suspicion. Furthermore, a network of contact points should be established for exchange of relevant information in the area.</p>	MS/Commission	<p>Start in 2008</p> <p>Assess the need to setup a concrete system by end 2008</p>	Task Force Recommendation No. 2, 5, 6

2.3.2	<p>Assessing the benefits of creating a scheme for each precursor handled by the retail sector, under which all packaging would be labelled with a code specifying that the purchase of the substance may be subject to registration taking into account already existing measures and EU minimum standards.</p> <p>The possibility of designing a European symbol to indicate that the product for retail sale is subject to registration could be considered.</p>	MS/Commission	2008	Task Force Recommendation No. 9
<i>Priority 4: Improve the control over explosives available on the market and pyrotechnic articles</i>				
2.4.1	<p>Ensure that each Member States has formal systems for authorising, regulating and licensing the manufacture, storage, sale, use and possession of explosives including by private persons</p> <p>This shall apply to companies as well as to non-commercial activities.</p>	MS	2009	Task Force Recommendation No. 21
2.4.2	<p>Ensure the identification and tracing of explosives based on the system proposed in the draft Commission Directive on the identification and traceability of explosives for civil use (Traceability Directive)</p>	Commission/MS	End 2007	Task Force Recommendation No. 22

2.4.3	<p>Harmonise EU requirements for the licensing and handling of large amounts of pyrotechnic articles</p> <p>It is necessary to prepare a study on the possibilities of using pyrotechnic articles for the purposes of terrorism. Subsequently it would be decided whether soft legislation or full harmonisation would be necessary regarding the risk of using pyrotechnics as explosives.</p> <p>The lack of any harmonised approach towards licensing schemes to handle large quantities of pyrotechnic articles means that it is possible to handle such materials without regulatory oversight as long storage and transport requirements are met. Such a security gap should be closed.</p>	Commission/MS	End 2009	Task Force Recommendation No. 43
Priority 5: Improve the security of explosives facilities				
2.5.1	<p>Introduce effective Security Plans/Security Management Systems at all explosives facilities (manufacturing, storing, distributing and using)</p> <p>Ensure that the levels of necessary access prevention and detection provisions in fixed storage facilities should be proportional to the risk and should be subject to a standard classification.</p>	MS	<p>Launch debate in 2008</p> <p>Ongoing</p>	Task Force Recommendation No. 12 and 14

2.5.2	<p>Introduce an obligation for the relevant national authorities to keep explosives manufacturers and distributors informed as to the regional threat at all times</p> <p>Response plans should be developed tuned to the level of alert present.</p>	MS	Ongoing	Task Force Recommendation No. 13
2.5.3	<p>Raw materials used in the manufacture of bulk explosives and finished product should be periodically accounted for and reconciled as approved by the National Authorities</p> <p>This applies to all factories manufacturing bulk explosives. The relevant periods should not be long so that any losses, thefts and inconsistencies are recognized as quickly as possible.</p>	MS	2009	Task Force Recommendation No. 20

2.5.4	<p>Improve the security of Mobile Explosive Manufacturing Units (MEMUs). Amend the European Agreement on the International carriage of dangerous goods by road (ADR) by end of 2009</p> <p>The following specific actions should be undertaken:</p> <ul style="list-style-type: none"> • The amount of explosives produced on MEMUs should be ascertained by two independent systems. At least one of these should be fitted on the truck. • Each MEMU should be fitted with process locks to prevent unauthorised use. • Loaded MEMUs should be parked on a site which is supervised when they are not in use. • Deadlines should be established for keeping the data related to the security measures. 	Commission/MS	End 2009	Task Force Recommendation No. 15, 16, 17
<i>Priority 6: Improve the security vetting of personnel</i>				
2.6.1	<p>All personnel employed in the manufacturing, storage, distribution and use of explosives as well as personnel applying for training in the field of explosives, and who have access to explosives, should be vetted (external checks by relevant national authorities under applicable national regulations) and hold a formal authorisation to have access to explosives</p>	MS	Ongoing	Task Force Recommendation No. 11

Priority 7: Improve the security of the transport of explosives				
2.7.1	<p>All EX/II and EX/III vehicles carrying explosives should be equipped with certain security enhancement solutions. Amend the European Agreement on the International carriage of dangerous goods by road (ADR) by end of 2009.</p> <p>These security solutions include:</p> <ol style="list-style-type: none"> 1) be fitted with 24 hour, remote monitoring systems (e.g. GPS based systems), that are monitored by an appropriately resourced monitoring station. Such a system should be protected in order to avoid destroying the system and to prevent the traceability of trucks. The Monitoring systems (including the Monitoring Station) must reliably enable where technically possible: <ul style="list-style-type: none"> • Vehicle location to be identified • Alarm activation if vehicle is moved from specified location at certain times • Alarm activation if specified compartments are opened at certain times and/or at unauthorised locations • A duress and/or a panic alarm facility 2) be capable of immobilising the engine remotely if safe and applicable subject to the Vienna Convention 3) be fitted with an anti theft system 4) have sufficiently secure compartments for explosives 	Commission/MS	2009	Task Force Recommendation No. 18

	<p>5) be fitted with a means of communication</p> <p>6) have a recognised marking affixed to the roof of the vehicle, to a specified size and description.</p> <p>Deadlines should be established for keeping the data related to the security measures.</p>			
2.7.2	<p>Launch a debate on the need to review the classification of “desensitized explosives”</p> <p>This should be done with a view to making sure that future transport regulations (GHS-system) continue to cover such substances.</p>	Commission/MS	<p>Immediately</p> <p>End 2007</p>	Task Force Recommendation No. 19
2.7.3	Analysis of existing security measures should be carried out before deciding on the implementation of new measures.			
Priority 8: Reduce the supply and quality of information on how to illicitly manufacture explosives				
2.8.1	Limit the illicit spread of bomb-making information over the Internet while fully respecting freedom of the press, information and expression.	MS/Commission	ongoing	Task Force Recommendation No. 41

2.8.2	Harmonize criminal sanctions for distributing bomb-making experience over the Internet in line with the amendments to the Council Framework Decision on combating terrorism (outlined in the Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism).^{2 3}	MS/Commission	End 2008	Task Force Recommendation No. 41
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² Scrutiny reservation by Finland and Latvia

³ FI proposal supported by DE: Collect information on criminal sanctions for distributing bomb -making experience over the internet, and consider whether further action at EU-level is needed.

Detection measures

No.	Measure/Action	Competent body	Deadline	Status/Observations
<i>Priority 1: Establish a scenario-based approach to identifying work priorities in the detection field</i>				
3.1.1	<p>Set up a working group tasked with developing and discussing detection related scenarios, and then identifying detection technology requirements for the scenarios while taking into account existing work in other fora.</p> <p>The working group would be composed of Member State and Commission representatives.</p>	Commission/MS	As soon as possible	Task Force Recommendation No. 23
3.1.2	<p>Create a matrix concerning what is desired and what is currently possible in terms of the detection of explosives for each of the scenarios created by the working group.</p> <p>The Sanding Committee of experts on precursors will look into the possibility to determine precursors which could be added to the abovementioned matrix.</p>	Commission/MS	Ongoing	Task Force Recommendation No. 24

<i>Priority 2: Developing minimum detection standards</i>				
3.2.1	<p>Consider the development of common minimum detection standards based on relevant scenarios and threat assessment</p> <p>These standards should be updated as technology evolves</p>	MS/Commission	Ongoing	Task Force Recommendation No. 25
<i>Priority 3: Improving the exchange of information</i>				
3.3.1	<p>Ensure that the security staff (in particular at airports) are provided on a regular basis with up-to-date information on current terrorist activities, which is necessary for performing their tasks.</p> <p>For airport security, this should complement the obligations for training security staff set out in §12.2 of the Annex to the EU Regulation 2320/2002 establishing common rules in the field of civil aviation security.</p>	MS	Ongoing	Task Force Recommendation No. 42
3.3.2	<p>Assess and improve where necessary the situation as regards the availability of training data and other information/feedback for manufacturers of detection solutions. A mechanism should be put in place for exchanging such information, taking into account existing instruments for exchange of information.</p>	Commission/MS	End 2009	Task Force Recommendation No. 30

3.3.3	<p>Create a database containing the specifications of explosives produced within the EU</p> <p>The database(s) would target specifications of explosives needed by the forensic community and by the experts on detection.</p>	Commission/MS	End 2010	Task Force Recommendation No. 32
3.3.4	<p>Create a practitioner (end-user) focused handbook concerning detection</p> <p>The handbook should be classified at an appropriate level.</p>	Commission/MS	Second 2009half of	Task Force Recommendation No. 33
3.3.5	<p>Create a network of experts on the detection of explosives taking into account existing work carried out by different bodies.</p>	Commission/MS	End 2008	Task Force Recommendation No. 34
<i>Priority 4: Establish EU-wide certification, testing and trialling schemes for the detection of explosives</i>				
3.4.1	<p>Create a European wide certification scheme for explosives detection solutions and examine the possibilities to extend it beyond the EU, (e.g. cooperate with ISO and CASCO).</p>	Commission/MS	End 2009	Task Force Recommendation No. 26
3.4.2	<p>Create a European wide testing scheme for explosives detection solutions taking into account existing work carried out by different bodies..</p>	Commission/MS	End 2009	Task Force Recommendation No. 27

	<p>Under the scheme relevant authorities and institutes would be able to exchange test results.</p> <p>The Working Group on detection will look into the possibility of harmonisation of testing measures</p>			
3.4.3	<p>Create a European wide trialling scheme for explosives detection solutions</p> <p>Such a system should be supported by an EU programme and should allow for conducting performance trials under realistic conditions in same or similar scenarios.</p> <p>The Working Group on detection will look into the possibility of harmonisation of trialling measures.</p>	Commission/MS	End 2009	Task Force Recommendation No. 28
3.4.4	<p>Assess the need for the development of standardized procedures and processes concerning certification, testing and trialling processes, and examine the possibilities to extend them beyond the EU (e.g. cooperate with ISO and CASCO).</p>	Commission/MS	End 2008	Task Force Recommendation No. 29

<i>Priority 5: Make better use of detection technologies in specific locations</i>				
3.5.1	<p>Improve the use of detection technologies at airports, other modes of transportation and other public facilities</p> <p>Further developments in this field should be supported. The situation should be evaluated and assessed on a continuous basis, and updated as the need arises.</p>	Commission/MS	Ongoing	Task Force Recommendation No. 31

Preparedness and response measures

No.	Measure/Action	Competent body	Deadline	Status/Observations
<i>Priority 1: Improve the exchange of information and best-practices among the relevant Member State authorities</i>				
4.1.1	<p>Establish a European Explosive Ordnance Disposal Network (EOD Network)</p> <p>The system should facilitate information sharing and trust building. It should contribute to the identification of best practice, the organisation of joint training exercises, and keeping EOD units up to date concerning the latest developments of relevance to the sector.</p> <p>The network should be made available to all EOD units (police, governmental and military) dealing with explosives with the MS.</p> <p>The use of EU funding to establish the network should be assessed.</p>	MS/Europol/Commission	End 2008	Task Force Recommendation No. 38
4.1.2	<p>Exchange information and assistance on dealing with big amounts of chemicals found at a scene under investigation</p> <p>Such exchange would assist EOD experts and could take place through the EOD network.</p>	MS	ongoing	Task Force Recommendation No. 47

Priority 2: Develop threat assessments				
4.2.1	Consider developing specialised threat assessments on explosives	MS/Europol/Council	ongoing	Task Force Report section 4.10
Priority 3: Develop specific preparedness and response measures for terrorist threats using explosives				
4.3.1	<p>Create the possibility for relevant law enforcement authorities to request providers to shut down mobile phone antennas in the case of a threat of a terrorist attack</p> <p>In a situation where there are reasons to believe that mobile phones will be used as firing switches, the responsible law enforcement authorities should be able to request providers to shut down relevant antennas.</p> <p>Relevant experiences, skills and best practices should be exchanged among the Member States via the EOD units network in this area.</p>	MS/(Commission)	Ongoing	Task Force Recommendation No. 44 and 46