



# Explosives Precursors Act tightened

The new EU Regulation on explosives precursors will come into force on 1 February 2021. Explosives precursors in this instance are substances that can be used to make explosives. In order to implement the new Regulation, the national legislation is also being adapted. The Regulation was introduced to prevent malicious persons from using these substances unnoticed to make explosives. This factsheet describes the impact on traders and businesses selling these substances.

As of 1 February 2021, a number of obligations apply to businesses, including with regard to restricted explosives precursors. These substances are mentioned on list 1 (see box). A restriction means that substances or products containing them cannot be sold like any normal product and that the Dutch Government and the EU place specific requirements on their sale.

EU legislation distinguishes between two different lists of explosives precursors, which are annexed to the EU Regulation (see box). The two lists are subject to different rules and obligations.

From 1 February 2021, the following obligations apply to substances on list 1:

1. Businesses selling precursors must verify the identity of the customer and check whether a licence is required or not. If a licence is required, the appropriate checks must be carried out.
2. Businesses selling precursors must record and retain customer data for a period of 18 months. They are free to do so as they see fit, provided that they comply with privacy rules (GDPR).

For all substances named on lists 1 and 2:

3. All suspicious transactions, and missing or stolen items, must be reported within 24 hours to the Suspicious Chemical Transactions hotline: 088 154 00 00.<sup>1</sup>
4. Businesses must inform business customers that the product they are buying is an explosives precursor subject to rules and obligations. The information obligation therefore does not apply to the consumer.
5. Businesses should train and instruct their staff so that they are aware of the obligations applicable to the trade in precursors and are able to apply the law.

An explanation of the rules and obligations is set out below.

1. Restricted explosives precursors		
Substance name	Threshold above which a licence is required	Threshold above which licences are no longer issued
Nitric acid	3% w/w	10% w/w
Hydrogen peroxide	12% w/w	35% w/w
Sulphuric acid	15% w/w	40% w/w
Nitromethane	16% w/w	100% w/w
Ammonium nitrate <sup>2</sup>	16% w/w of nitrogen in relation to ammonium nitrate (see Regulation for details)	No licences permitted
Potassium chlorate	40% w/w	No licences permitted
Potassium perchlorate	40% w/w	No licences permitted
Sodium chlorate	40% w/w	No licences permitted
Sodium perchlorate	40% w/w	No licences permitted

2. Reportable explosives precursors
Substance name
Hexamine
Acetone
Potassium nitrate
Sodium nitrate
Calcium nitrate
Calcium ammonium nitrate
Magnesium, powders <sup>3,4</sup>
Magnesium nitrate hexahydrate
Aluminium, powders <sup>3,4</sup>

**The difference between an economic operator and a professional user** is that an economic operator makes an explosives precursor available to another person, whereas a professional user acquires or introduces an explosives precursor solely for their own use.

<sup>1</sup> The reporting obligation always applies except for mixtures of more than 5 ingredients and a concentration of below 1%: for details and an explanation, see the EU Regulation, Article 3(13), which defines 'regulated explosives precursors'  
<sup>2</sup> 16% w/w of nitrogen in relation to ammonium nitrate corresponds to 45.7% ammonium nitrate once impurities have been removed.  
<sup>3</sup> With a particle size of less than 200 µm.  
<sup>4</sup> As a substance or in mixtures containing 70% w/w or more of aluminium or magnesium.

## When do you need a licence?

### *When substances are not used for a specific trade, business or profession*

Restricted precursors (list 1 with substances, see box) can only be used by members of the general public with a licence. This is known as the licensing requirement. A licence is therefore required if a (legal) person makes a purchase for purposes other than a specific trade, business or profession, i.e. if a person wants to use a substance for private use, for example a hobby or leisure activity.

Professional users, on the other hand, can use explosives precursors without the need for a licence. However, they must demonstrate that they need them in order to carry out their trade, business or profession. See the NCTV website (([www.nctv.nl/aanslagmiddelen](http://www.nctv.nl/aanslagmiddelen))) for an example.

## When is verification required?

### *When selling restricted precursors from list 1*

Businesses should check and record customer data when selling precursors from list 1. A number of details must be established: the person's identity on the basis of a valid ID card, the customer's trade, business or profession and the name and address of the company, or the company's other relevant registration numbers. Businesses are required to comply with the GDPR.

In addition, the seller must identify the intended use and determine whether it falls within the business activities of the business customer. Where doubts arise, a seller may refuse the sale and should report this suspicious transaction within 24 hours to the Suspicious Chemical Transactions hotline: 088 154 00 00

The seller should retain the customer's data for 18 months after the date of the transaction and check them on an annual basis. The data should also be checked if there is anything different from a previous order. For example, if the contact person changes, or the quantity ordered increases significantly, a further verification should be conducted.

It is also important to carry out an additional check at the time the goods are delivered, i.e. to establish that the person receiving the goods on behalf of the customer is actually authorised.

## When is reporting required?

### *For all suspicious transactions, losses and theft of explosives precursors on lists 1 and 2*

All substances on lists 1 and 2 that have been traded in a suspicious transaction, or are missing or have been stolen, must be reported within 24 hours to the Suspicious Transactions hotline: email [precursoren@belastingdienst.nl](mailto:precursoren@belastingdienst.nl) or in an emergency call 088 154 00 00.

Please also report suspicious transactions or missing or stolen products containing the following chemicals:

- fine metal powders;
- other chlorate, perchlorate and nitrate salts;
- perennial salts;
- products with the following pictogram: 

Suspicious transactions are transactions involving precursors where there are reasonable grounds to suspect that the substance or mixture concerned will be used to make explosives. In this case, try to record as much information as possible about the customer and the transaction, such as:

- As a minimum: height, build, hair style and colour, facial hair.
- Distinctive features: tattoos, piercings, scars, etc.
- Vehicle: registration number, make and model.
- Transaction: time, products and quantities.

Retain cash receipts, ID data and other documents the customer has touched for fingerprint analysis.

## When is there a duty to provide information?

### *For all transactions involving precursors*

For all transactions involving precursors, the provider must inform the chain of the rules applicable to the purchase, possession and use of the substances. This is known as the information obligation.

The information obligation applies to all transactions, regardless of who the customer is. The information obligation does not apply to the consumer or end user in a store. The information obligation therefore also applies to internet sellers. As some online marketplaces do not offer products themselves, they should make information available to platform sellers and users. This can be done, for example, by setting up an information page.

All economic operators in the explosives precursors chain are expected to inform each other clearly and precisely if a product contains such a precursor and is therefore subject to the obligations of the EU Regulation. This can be done by adding a text on the label or in a product annex. An example of this can be found on the NCTV website ([www.nctv.nl/aanslagmiddelen](http://www.nctv.nl/aanslagmiddelen)).

## When is a company required to make its staff aware?

### *All staff working with precursors must be made aware by the employer.*

Any business selling precursors to professional users or members of the general public is obliged to ensure that staff receive appropriate training and instruction. That way, everyone will know what they need to do and everyone will help to keep the Netherlands safe.

**For more information, see:**

**[nctv.nl/aanslagmiddelen](http://nctv.nl/aanslagmiddelen)**

*Parts of this factsheet may be copied and used for dissemination purposes.  
Please contact NCTV in advance in order to finalise arrangements.*

# EU Regulation 2019/1148 and the Explosive Precursors Act

Which list of the Regulation contains the substance (pure or in mixtures)?

## List 1

Nitric acid  
Hydrogen peroxide  
Sulphuric acid  
Nitromethane

## List 1

Ammonium nitrate  
Potassium chlorate  
Potassium perchlorate  
Sodium chlorate  
Sodium perchlorate

## Op lijst 2

Hexamine	Sodium nitrate
Acetone	Magnesium, Magnesium nitrate powders
Potassium nitrate	Aluminium hexahydrate, powders
Calcium nitrate	
Calcium ammonium nitrate	

Is the percentage of the substance within the listed threshold values?

YES

NO

Is the percentage lower or higher than mentioned on the list?

LOWER

HIGHER

Substance permitted without a licence

Substance permitted for professional users / economic operators, but not members of the general public

YES

Are you a member of the public (hobby, home use)? Or a professional user (necessary to carry out professional activities)? Or an economic operator (e.g. a company selling (on) products)?

MARKET PARTICIPANTS

PRIVATE / PROFESSIONAL USE

Reporting missing or stolen goods

Are you a member of the public (hobby, home use)? Or a professional user (necessary to carry out professional activities)? Or an economic operator (e.g. a company selling (on) products)?

PRIVATE INDIVIDUAL

PROFESSIONAL USER / MARKET PARTICIPANT

Apply for a licence from ILT  
Show a licence during the transaction

Verification obligation by the selling party with an 18-month data retention obligation

Information obligation in the chain.  
Staff training and awareness

For ALL SUBSTANCES on list 1 and list 2, irrespective of the percentages: Report suspicious transactions or missing or stolen goods within 24 hours to the Suspicious Chemicals Transactions hotline: [precursoren@belastingdienst.nl](mailto:precursoren@belastingdienst.nl) or in an emergency 088 154 00 00