

Guidance for Retail Sector on the Sale of Explosives Precursors



Issued by the Office of the
Government Inspector of Explosives
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Whilst sold for legitimate uses, products containing certain chemicals can also be misused for criminal purposes. Terrorists, for example, use them to manufacture home made explosives. The vigilance of sellers has played a key role in enabling the authorities to detect and disrupt such activities. The advice in this leaflet aims to help you to prevent serious crime as well as to fulfil your legal obligations.

**You can make a difference -
Sell restricted chemical products responsibly!**

Regulation on Explosives Precursors

An EU Regulation¹ restricts the sale to the general public of certain chemical substances and mixtures which are explosives precursors. 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. The Irish Regulation which transposes this into Irish law is S.I. No 611 of 2014.

Member of the General Public

For the purposes of the regulations, a member of the general public means a person who is acting for purposes not connected with his trade, business or profession, so for example a professional hairdresser who is buying a hair product for use in his/her profession is not a member of the general public in the context of this Regulation.

Restricted Explosives Precursors (REPs)

The chemicals in red text in Table 1 below, or products containing them when in concentrations above the limits shown, are known as Restricted Explosives Precursors (REPs), and they may not be sold to a member of the general public, without production of a valid **Garda Restricted Explosives Precursor Certificate** by the purchaser.

Table 1 – Restricted Explosives Precursors (REPs)

Substance	Limit Value	Main type or use of products where chemical may be present
Hydrogen Peroxide	12% w/w	Bleaching agent, antiseptic and water disinfectant, (e.g swimming pool steriliser) Cleaning agents
Nitromethane	30% w/w	Fuel for model kits and drag racing
Nitric acid	3% w/w	Etching agent & metal treatment.
Potassium Chlorate	40% w/w	Pyrotechnics
Potassium Perchlorate	40% w/w	Bleaching and pyrotechnics
Sodium Chlorate	40% w/w	Bleaching, oxygen generators and formerly weed control (now banned in EU as a herbicide)
Sodium Perchlorate	40% w/w	Used to make other perchlorates and rocket fuel

Sale of Restricted Explosives Precursors – Main Obligations

1. Ask the purchaser (if a member of the general public), to produce his Garda Restricted Explosives Precursor Certificate.
2. Check that the Cert is valid for the substance and concentration sought.
3. Record the transaction on the space provided on the back of the certificate.

¹ For details of the Regulation (EU) No 98/2013 and supporting Irish regulation see page 5. This Regulation was amended on 1st March 2017 with three additional substances being added to Annex II (see Table II on page 3).

Labelling Requirements for Restricted Explosives Precursors

All REPS must have a label attached stating that:

“Acquisition, possession or use by the general public is restricted”

These labels should be attached either by the manufacturer, supplier or alternatively by the retailer. The wording may also be part of a hazard label.

Reporting Obligations for Suspicious Transactions, Thefts or Losses

The Regulation also requires all suspicious transactions or attempted transactions, and significant thefts or losses of products contained in Table 1 above or of any of the following chemicals in Table II to be reported to An Garda Síochána at the contact point listed below in this pamphlet. (Note that this obligation applies regardless of the concentrations above and regardless of whether the purchaser is a member of the general public or not).

Table II – Additional Precursors with reporting obligations

Substance	Main type of products where chemical may be present
Hexamine	Camping and hobby model kit fuel tablets
Sulphuric Acid	Battery acid, drain cleaning products
Acetone	Solvent, paints, varnish, adhesives, cleaning agent
Potassium Nitrate	Fertilisers, food preservative,
Sodium Nitrate	Food additive, water treatment, fireworks, rocket fuel, ceramics
Calcium Nitrate	Fertilisers, food preservative
Calcium ammonium nitrate	Fertilisers
Ammonium Nitrate ^{2*} > 16%	Fertiliser & Cold Packs
Aluminium Powder ³	Paints, chemicals, metallurgical industry
Magnesium Nitrate Hexahydrate ⁴	Fertiliser, chemicals, ceramics
Magnesium Powder ⁵	Petrochemicals, aircraft, engineering

How to identify and treat products of concern

The following steps will help you to sell responsibly, and meet your legal requirements:

1. Check whether your products contain any of the listed chemicals either on the label, product information or safety data sheet. In the case of products containing chemicals in Table 1 above, check the concentrations⁶. If in doubt contact your supplier.

² Note that Ammonium Nitrate (>16%N) currently cannot be sold to the general public under REACH regulations which is enforced by the Health and Safety Authority in Ireland

³ Commission Delegated Regulation (EU) 2017/2014 which came into effect on 1st March 2017

⁴ Commission Delegated Regulation (EU) 2017/2015 which came into effect on 1st March 2017

⁵ Commission Delegated Regulation (EU) 2017/2016 which came into effect on 1st March 2017

⁶ In general products containing less than 1% of the listed chemicals, or fertilisers not labelled for nitrogen (N) content, may be ignored for the purposes of reporting obligations. If the listed chemical is mixed with more than five other ingredients it is also generally of no concern.

2. If the product is or contains a REP and is not labelled as above, inform your supplier and agree a method of labelling.
3. Inform your staff of any identified products of concern and how to identify and report suspicious transactions. (See sample **Staff Notice** on back page of this leaflet).
4. If feasible, store the products (in particular REPs) in secure storage, and where they can be easily monitored by your staff, (e.g. close to sales point or behind counters).

How to recognise suspicious transactions

A suspicious transaction is any transaction or attempted transaction where there are reasonable grounds for suspecting that the product is intended for malicious purposes. Indicators of suspicious behaviour may include where a customer attempts to buy a REP without a valid Garda Cert, or:

- Appears nervous, avoids communication, or is not a regular type of customer
- Attempts to purchase an unusual amount of a product or unusual combinations of products
- Is not familiar with the regular use of the product or handling instructions
- Is not willing to share what he/she plans to use the products for
- Refuses alternate products or products with a lower (but for the proposed use sufficient) concentration
- Insists on paying cash especially for large amounts
- Is unwilling to provide identity or home address details if requested
- Requests packaging or delivery methods that deviate from what would be ordinary, advised or expected.

What to do in case of suspicion

If you are suspicious of a transaction, or attempted transaction, or discover a theft or disappearance that can not be easily explained, report it to An Garda Siochana at the contact point below without undue delay.

In the case of a suspicious transaction, you may refuse the transaction.

Try to record as much detail as possible regarding the customer and transaction where possible, (See attached Recording Form), such as

- Height, body type, hair style/colour, facial hair.
- Tattoos, piercings, scars, glasses, or any distinguishing features
- Registration, make and model of any vehicle used where known
- Time of purchase, products and quantities.
- Keep any paperwork, ID details, CCTV records, and preserve anything handled by the customer for fingerprints.

<p>Point of Contact for reporting suspicious transactions or thefts or disappearances of explosives precursors</p>	<p>Detective Chief Superintendent Liaison & Protection Garda Headquarters Phoenix Park Dublin 8</p> <p>Phone: +353 1 6661782(office hours), <i>or</i></p>
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	<p>Garda 24hr Confidential Line: 1800 666 111. <u>or</u> 999 or 112 (in the event of a serious or imminent threat)</p> <p><u>Email:</u> Liaisonandprotection_DV@garda.ie</p>
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Summary of Offenses and Penalties for economic operators under the Regulation

Offenses

- To sell a REP to a member of the public without a valid Garda Certificate
- To fail to record a transaction on the Certificate
- To fail to apply or ensure that an appropriate label is on a REP product
- To fail to report a suspicious transaction, attempted suspicious transaction, or significant loss or theft

Penalties

A standard scale of penalties applies to the specified offenses:

- On summary conviction, to a Class A fine of up to €5,000, or imprisonment of up to 12 months, or both.
- On indictment conviction, to a fine up to €20,000 or imprisonment of up to three years, or both.

Additional Information

Information	Location
Regulation S.I. No 611 of 2014 on the marketing and use of explosives precursors	http://www.irishstatutebook.ie/eli/2014/si/611/made/en/pdf or http://www.justice.ie/en/JELR/Pages/explosives_precursors
GD 1/2014 Guidance on the EU Marketing and Use of Explosives Precursors Regulations 2014	http://www.justice.ie/en/JELR/Pages/explosives_precursors
GD 3/2014 Guidance for Members of the General Public on the introduction, acquisition, possession and use of explosives precursors	http://www.justice.ie/en/JELR/Pages/explosives_precursors
Regulation (EU) No. 98/2013 on the marketing and use of explosives precursors	http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0098&from=EN

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Commission Delegated Regulation (EU) 2017/214 on Aluminium Powder	http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017R0214
Commission Delegated Regulation (EU) 2017/215 on Magnesium Nitrate Hexahydrate	http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3A0JL.2017.034.01.0003.01.ENG
Commission Delegated Regulation (EU) 2017/216 on Magnesium Powder	http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0216
Guidelines by the EU Commission on the marketing and use of explosives precursors	https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/crisis-and-terrorism/explosives/explosives-precursors/docs/guidelines_on_the_marketing_and_use_of_explosives_precursors_en.pdf

Staff Notice
Suspicious Transactions involving Explosives Precursors

Be aware of products concerned

The following commercial products in this outlet have been identified as containing restricted chemicals:

How to recognise suspicious behaviour

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- Appears nervous, avoids communication, or is not a regular type of customer
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What to do in case of suspicion

If you are suspicious of a transaction, or attempted transaction, or discover a theft or disappearance that can not be easily explained, report it to your supervisor and An Garda Síochána at the contact point below without undue delay. In the case of a suspicious transaction, you may refuse the transaction.

Try to record as much detail as possible regarding the customer and transaction where possible, (attached Recording Form may be used), such as:

- Height, body type, hair style/colour, facial hair.
- Tattoos, piercings, scars, glasses, or any distinguishing features
- Registration, make and model of any vehicle used where known
- Time of purchase, products and quantities.
- Keep any paperwork, ID details, CCTV records, and preserve anything handled by the customer for fingerprints.

Point of Contact

Point of Contact for reporting suspicious transactions or thefts or disappearances of explosives precursors	Detective Chief Superintendent Liaison & Protection Garda Headquarters Phoenix Park Dublin 8 Phone: +353 1 6661782(office hours), <i>or</i> Garda 24hr Confidential Line: 1800 666 111. <i>or</i> 999 or 112 (in the event of a serious or imminent threat) Email: Liaisonandprotection_DV@garda.ie
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Recording Form for Suspicious Transactions

Retail Outlet Name & Address			
Name and contact details of sales person involved or person reporting			
Date & Time of transaction			
Product Name			
Name of Precursor			
Quantity involved			
Method of payment			
Customer Details	Name & Address (If given)		
	Description Height & Build Hair Eyes Accent		
	Sex		
	Marks scars		
	Car details		
	Any other details		
	Reason why transaction is suspicious		
	Any evidence retained (CCTV, items handled by suspect, signature etc)		
Any other relevant information			