

**Advice on marketplace sales of explosives precursors  
and poisons**

Project partners

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# 1. INTRODUCTION

## Aim and purpose

This advice has been developed to assist you as a marketplace seller of high risk chemicals that can be misused for the illicit manufacture of explosives or poisons. If followed, it will help you to prevent serious crimes as well as fulfil your legal obligations by following a number of practical steps.

Whilst usually sold for legitimate uses, products containing certain chemicals can also be misused for criminal purposes. Terrorists, for example, use them to manufacture homemade explosives. The vigilance of sellers has played a key role in enabling the authorities to detect and disrupt such activities.

## Substances and products

### Regulated explosives precursors:

A regulated explosives precursor is any of the substances listed below above the concentration specified. **These are not allowed to be sold on this marketplace.**

Table 1 Regulated Explosives Precursors

Regulated explosives precursor	Concentration w/w	Typical products
Hydrogen peroxide	12%	Bleach, hair bleach, disinfectants, cleaning agents
Nitromethane	30% (or 25 % vol)	Fuel for model engines
Nitric acid	3%	Metal etching, metal treatment
Sodium chlorate	40%	Pyrotechnic kits
Sodium perchlorate	40%	Pyrotechnic kits
Potassium chlorate	40%	Oxygenators, pyrotechnic kits
Potassium perchlorate	40%	Pyrotechnic kits

### Reportable products:

A reportable product is one containing any of the substances listed below.

Table 2 Reportable Products

Substance	Typical products
<b>Any concentration of regulated explosives precursors</b>	See table above Contact lens solution
<b>Sulphuric acid</b>	Drain cleaner, brick cleaner, car wheel cleaner, acid for car batteries (sold as such)
<b>Hexamine</b>	Solid camping fuel, model steam engine solid fuel

<b>Acetone</b>	Nail varnish remover, household solvent
<b>Potassium nitrate</b>	Food preservative (sold as such), fertiliser
<b>Sodium nitrate</b>	Fertiliser
<b>Calcium nitrate</b>	Fertiliser
<b>Calcium ammonium nitrate</b>	Fertiliser
<b>Ammonium nitrate (more than 16% Nitrogen by weight)</b>	Fertiliser
<b>Other chlorate, perchlorate and nitrate salts</b>	
<b>Permanganate salts</b>	Disinfectant
<b>Fine metal powders such as aluminium and magnesium</b>	Pyrotechnic supplies, paint supplies
<b>Products marked with a skull and cross bones warning label</b>	Pest control, cleaning products

You are legally obliged to report suspicious transactions, and significant losses and thefts of products containing the substances in red to your national contact point.

Products containing the substances in green are also of concern, but reporting is not always mandatory.

To be a reportable product, a listed chemical should generally be either:

- present on its own or the main ingredient; or
- present in a simple mixture, typically with less than five ingredients.

Products containing less than 1% of any of the above chemicals, or fertilisers that are not labelled for nitrogen (N) content, are in general of no concern.

### Target group

This advice is for companies and individuals who sell reportable products via internet marketplaces to members of the public.

### Regulatory requirements

Regulation (EU) No 98/2013 on the Marketing and Use of Explosive Precursors establishes rules concerning the making available, introduction, possession and use of substances or mixtures containing explosives precursors. The aim of this advice is to ensure products of concern are sold to the general public responsibly, and to ensure appropriate reporting of suspicious transactions and significant disappearances and thefts, throughout the supply chain.

Member States have three choices in how they implement the law. They can either:

1. impose a ban on the purchase, use or possession of regulated explosives precursors (listed in Table 1) by members of the general public above the concentrations set in the regulations;
2. introduce a licensing regime for the purchase, use or possession of, all or some of, the regulated explosives precursors for members of the general public; or
3. introduce a registration regime for sale of three specific explosives precursors, identified in the regulation, to members of the general public.

## 2. HOW TO IDENTIFY REPORTABLE PRODUCTS

The following steps will help you to identify which of your products contain any substances of concern:

*Table 3 Identifying Reportable Products*

<b>1</b>	Check whether your products contain any of the substances listed in Table 2. The ingredients of a product can normally be found on the label, in the safety data sheet or in other product information.
<b>2</b>	If you cannot find the above information, contact your supplier for advice.
<b>3</b>	Identify which of the products are of concern using the following criteria: <ul style="list-style-type: none"><li>• The chemical is on its own or is the main ingredient</li><li>• The chemical is present in a simple mixture of typically less than five ingredients</li></ul> <p>Products containing less than 1% of any of the chemicals or fertilisers that are not labelled for Nitrogen (N) content are in general not of concern.</p>
<b>4</b>	Periodically review your products to ensure the information remains up to date.

Your wholesale supplier should inform you if they supply you with reportable explosives precursors. You should write a requirement for them to share such information into your commercial contracts.

### 3. ESTABLISHING A SYSTEM FOR ASSESSING TRANSACTIONS

Adopting the procedure outlined below will help you to comply with regulatory and social responsibilities regarding suspicious transactions. Please note that this list is not exhaustive and **Point 9 is a legal obligation** for reportable explosives precursors and poisons.

Table 4 Suggested Procedure for Assessment of Transactions

1.	Only sell reportable products to customers with a registered account.
2.	Only allow traceable payments to be made for reportable products (for example, do not accept cash payments on delivery).
3.	Implement a manual or automatic flagging system that highlights to your staff that a customer has requested a reportable product.
4.	Build in time to assess the order.
5.	Train your staff on the system and requirements.
6.	Consider requesting an explanation of intended use for new customers or new types of orders from known customers, an example form is provided at Annex A.
7.	If it is a new customer that has not ordered from your company before, check that the intended use is sensible and that the quantities, concentrations and products requested are typical.
8.	If it is an existing customer, check that the order does not vary greatly from previous ones, for example delivery to a new address, a new name, larger than usual amounts, unexplained products.
9.	If the order is suspicious (see the potential indicators below) <b>you are obliged</b> to contact the national contact point in your own Member State (national numbers can be found on the <a href="#">European Commission website</a> ). You may be liable to prosecution if you do not.
10.	It is your company's decision whether to supply the requested substances or not. The national contact point may give advice on whether or not to continue with the transaction.

## 4. INDICATORS OF SUSPICIOUS TRANSACTIONS

A **suspicious transaction** is any transaction, attempted transaction or request involving a reportable product where there are reasonable grounds for suspecting that the product is intended for malicious purposes. This may be because the purchase or attempted purchase deviates from ordinary expectations or interactions. Whether behaviour is suspicious has to be judged on a case-by-case basis.

The table below includes examples of behaviours that may be considered suspicious when selling to members of the public.

<b>Indicators for sales to members of the public (a person who acquires, introduces uses or possesses reportable products for purposes unconnected with their trade, business or profession. This may be for use in a hobby or household):</b>
More than one reportable product has been requested.
An unusually large number of units or quantities have been requested.
The customer provides a vague or illogical stated intended use, for example, the request is for swimming pool chemicals but the delivery address when viewed on, for example, Google Earth does not appear to accommodate a swimming pool or hot tub.
The address, telephone number or email address do not exist or do not correspond with other information.
A PO box is used as a delivery address.
If you speak to the customer, they act nervous or evasive.
The customer offers to pay above the going rate (i.e. money is no problem).
You offer suggestions for alternatives or substitute chemicals, but the customer is unwilling to accept them.
The requested concentration is not justified for the intended use.

## Annex A: Example Statement of Intended Use form

The example form below may be used when dealing with a new customer or if an existing customer requires new types of substances. It may help you consider whether a request to purchase a reportable product is suspicious.

<b>Customer Name:</b>
<b>Address:</b>
<b>Contact name:</b>
<b>Email Address:</b>
<b>Telephone number:</b>
<b>Substance(s) and Product(s) requested and purposes for each:</b>
<b>Signed:</b>
<b>Name (printed):</b>
<b>Date:</b>