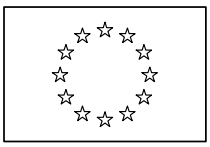

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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on enhancing the security of explosives

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on enhancing the security of explosives

(Text with EEA relevance)

1. INTRODUCTION

The European Union is an area of increasing openness and an area in which the internal and external aspects of security are intimately linked. It is an area of increasing interdependence, allowing the free movement of people, ideas, technology and resources. As a result it is also an area which terrorists may abuse to pursue their objectives and which has already been abused for this purpose. The foiled attacks in London and Glasgow on 29 and 30 June as well as the terrorism related arrests which took place in Germany, Denmark and Austria were a reminder of the threat. In this context, concerted and collective European action, in a spirit of solidarity, is indispensable to combat terrorism.

Explosive devices are the weapons most used in terrorist attacks and have been responsible for the vast majority of victims of terrorist attacks over the last 50 years. Consequently, enhancing the security of explosives and making the production of explosive devices for terrorists more difficult has been and continues to be a priority for the European Union.

On 25 March 2004, in the immediate aftermath of the Madrid attacks, the European Council, in its Declaration on Combating Terrorism, established as a priority the need *"to ensure terrorist organisations and groups are starved of the components of their trade"*. The European Council noted in particular that *"there is a need to ensure greater security of firearms, explosives, bomb-making equipment and the technologies that contribute to the perpetration of terrorist outrages"*.

In response to the European Council's declaration, the Commission adopted, a Communication on 18 July 2005 on "Measures to ensure greater security in explosives, detonators, bomb-making equipment and firearms"[1]. One of the principal measures announced in this Communication was the Commission's intention to draw up an EU action plan for the enhancement of the security of explosives based on recommendations from a group of experts.

A multi-stakeholder dialogue involving both public and private sectors was taken forward through the Explosives Security Experts Task Force, composed of representatives of the relevant stakeholders, including industry and public authorities. The work of the Task Force, which has concentrated through four separate working groups on the issues of precursors, supply chain, detection and public security, culminated in June 2007 with the submission of a report identifying 50 recommendations for measures designed to heighten the security of explosives in the EU.

[1] COM(2005) 329.

Working on the basis of the Report of the Task Force, the Commission has developed a comprehensive "Action Plan on Enhancing the Security of Explosives", which deals with all aspects of security and draws extensively on public-private cooperation in a spirit of Public Private Security Dialogue. Since a clear demarcation between public and private sector activities is needed in certain areas, the Action Plan also includes new instruments for cooperation between specialised services in the Member States.

2. OBJECTIVE

The strategic objective of the Action Plan on enhancing the security of explosives is to combat the use of explosive devices by terrorists within the EU, thereby protecting society from the threat of attacks using explosive devices while taking full account of the multiple areas of economic activity in which explosives and their precursors are used for the benefit of all.

3. SCOPE

The primary focus of the Action Plan is on security issues. Although it is not meant to address safety concerns, some of the activities put forward in the Action Plan could also have positive implications for safety.

Since a comprehensive approach to the security of explosives is required when dealing with the threat of terrorism, the Action Plan addresses both explosives themselves and precursors to explosives. It also targets both legally and illicitly manufactured explosives.

4. STRUCTURE

The fight against terrorism requires a comprehensive approach and full involvement of the public and private sectors.

Prevention, detection and response should form the pillars of the EU's approach to the security of explosives. These pillars should encompass specific measures concerning explosive precursors, the supply chain (storage, transport, traceability) and detection. At the same time, a horizontal set of measures concerning public security should complement and consolidate all of the pillars.

Adoption of any specific legislative measures which may result from the implementation of the Action Plan will be preceded by further detailed consideration and subject to the positive assessment of their costs and benefits.

5. PRECURSORS

In general terms, precursors to explosives include any chemical compounds or elements that can be converted into an explosive compound through a chemical reaction or a series of reactions. A number of precursors have been identified which need to be addressed as a matter of priority. These currently include:

acetone	citric acid	hydrogen peroxide	potassium chlorate & perchlorate
ammonium nitrate (fertiliser)	hexamine	nitric acid	potassium nitrate
ammonium nitrate (technical)	hydrochloric acid	nitromethane	sodium chlorate
			sulphuric acid

This list of precursors should be amended as and when the need arises.

6. HORIZONTAL MEASURES

The security of the EU and its citizens and residents is dependent on efficient cooperation and coordination among the Member States, the EU Institutions and all other relevant stakeholders.

Significant progress has already been achieved concerning the security of explosives both in the Member States and at EU level. Nevertheless, more can be done in areas such as enhancing the exchange of information, disseminating best practices, establishing coordination mechanisms and taking joint action on particular issues. These are areas in which the EU can provide significant support to the Member States on the question of security.

The two horizontal priorities in the field of explosives security are:

- improving the exchange of timely information and best practices;
- stepping up explosives related research.

6.1. Improving the exchange of timely information and best practices

The sharing of information and best practices among the Member States must be a cornerstone of the EU's efforts to increase the security of explosives.

First of all, an Early Warning System (EWS) for explosives should be established to provide the relevant authorities in the Member States with information on immediate threats, the theft of explosives, the theft of detonators, the theft of certain precursors, suspicious transactions and the discovery of new modi operandi.

Secondly, a European Bomb Data System should be created and promoted as a common EU instrument to give the relevant government bodies at EU and Member State levels access to information on explosives and explosive incidents.

The system should be operated on a 24/7 basis with access given to the following services (depending on the relevant national responsibilities): Police, Customs, Border Guard, Security

Services, Army / National Defence forces. At the Member State level, 27 National Bomb Data Centres should operate as national contact points.

Sharing experience, knowledge and best practices should continue among all the relevant stakeholders engaged in the security of explosives. Consequently, a conference on the security of explosives covering all the relevant issues should be organised every two years.

Equally, a dialogue should be established with external partners concerning the security of explosives. Measures such as the sharing of best practices and encouraging the raising of security standards outside of the EU should be an important element of the EU's explosives security efforts. External cooperation should primarily focus on the EU's neighbours.

6.2. Stepping up explosives related research

Security research plays a vital role in enhancing the EU's ability to respond to security threats. Consequently, investment in research should be considered a priority.

A number of research priorities can already be identified:

- improvised explosive devices and their properties;
- detection of explosives and precursors, including through the use of additives. This should include research into enhancing detectability (prior to explosion) and additives for traceability purposes (after and prior to explosion);
- mobile explosives testing kits;
- the detection of improvised explosive devices at airports. Special attention is being paid to work on detecting liquid explosives with a view to developing detection techniques that would allow for the gradual introduction of new screening equipment for detecting dangerous liquids irrespective of the quantities of the liquids concerned;
- finding technical solutions for Member State authorities to jam mobile phone signals in threatened areas. Given the confirmed possibility of having mobile phones used as firing switches, it should be possible to temporarily jam mobile telephone signals in a given area in order to prevent remote detonation of explosives;
- inhibitors that can be added to explosives precursors.

Explosives security research should not stop with the above-mentioned points. Regular revision of priorities is necessary. Moreover, exchange of information between Member States needs to be improved so that any wasteful duplication of effort is avoided.

The sensitivity of research must always be carefully scrutinised with a view to assessing who should be given access to the results. In certain areas, confidentiality will be of the utmost importance.

7. PREVENTION

Preventive measures have a crucial role to play in enhancing explosives security. A broad range of measures can be undertaken at both EU and national levels in the prevention field.

In terms of precursors, improving control over certain chemicals, increasing staff awareness and identifying suspicious transactions are among the priorities for action.

More broadly in the field of explosives, security within the entire supply chain needs to be addressed. The manufacturing, storage, transport and traceability of explosives should all be dealt with as a matter of urgency in an effort to decrease the likelihood or reduce the effects of diversion, misappropriation and theft of explosive material and devices. A number of measures already exist in this area. These measures need to be consolidated by specific security-oriented action.

Consequently, the key priorities in terms of prevention include:

- improving staff awareness concerning precursors;
- improving the regulation of explosives precursors available on the market;
- improving control over transactions involving precursors;
- improving control over explosives and pyrotechnic articles available on the market;
- improving the security of explosives facilities;
- improving the security vetting of personnel;
- improving the security of the transport of explosives;
- reducing the supply and quality of information on how to illicitly manufacture explosives.

7.1. Improving staff awareness concerning precursors

The practical experience of law enforcement agencies indicates that alert employees are one of the most effective defences against illicit activities and in particular in detecting suspicious transactions and theft.

Keeping those involved in dealing with precursors informed about security issues should be a primary concern for business and public authorities. Raising staff awareness about threats all along the supply chain among manufacturers, formulators, distributors and retailers of precursors should be pursued by way of dedicated campaigns.

7.2. Improving the regulation of explosives precursors available on the market

The second prevention priority involves improving the regulation of precursors available on the market through modifications to, or restrictions on, the nature of the relevant chemicals. Measures should be taken to make the use of certain precursors in the manufacturing of

improvised explosives devices more difficult and to prevent their use at least by less sophisticated terrorists and amateur bomb makers.

A system should therefore be established to consider and prepare the regulation of explosives precursors available on the market. It should include the creation of a Standing Committee of Experts tasked with identifying the risks associated with various precursors and recommending suitable action to the Commission, while taking into account the proportionality and costs of various measures. These recommendations could include restrictions on concentrations of certain precursors, sale bans, identification of alternatives to substances of concern, and research priorities.

The Standing Committee's task would include giving detailed consideration to the following issues and monitoring, where relevant, the implementation of specific measures:

(a) Development of suitable additives and promotion of the use of these additives to precursors in order to prevent their use in explosives, where technically possible.

(b) Restrictions on concentrations of certain precursors in terms of their sale to end-users.

(c) A complete ban on concentrated strong acids on EU consumer markets (non-professional markets) when a substitute is available: sulphuric, hydrochloric and nitric acids in particular.

(d) Introduction of a market surveillance scheme for ammonium nitrate fertilisers and restricting the sale of high nitrogen fertilisers to the general public.

(e) Limiting the availability of pure nitromethane to the general public. It should be available to industrial customers via a customer qualification scheme.

(f) Restrictions on access of the general public to unphlegmatised sodium chlorate (weed killer).

(g) The feasibility and added value of introducing a complete ban on selling certain precursors to minors.

Based on the work of the Standing Committee concerning restrictions on the sales of certain quantities and/or concentrations of precursors, an obligation may be introduced to record the identity of the buyer. Subject to the relevant data protection rules, such information would be made available to law enforcement authorities.

Finally, a European minimum standard and industrial guidance by way of an appropriate code should be defined for the security of storage of explosives precursors.

7.3. Improving control over transactions involving precursors

The third priority concerns the introduction of controls over transactions that could reveal malicious intent. The measures listed below should also be considered by the Standing Committee on explosives precursors.

A simple alert mechanism should exist in each Member State allowing anyone in the supply chain to inform the relevant national authorities about suspicious transactions or theft. A system for reporting suspicious transactions should be established, comparable to existing systems for drug precursors or suspicious financial transactions. A binding system could be created for notification to the relevant national authority of any transactions involving precursors which could be considered suspicious. A "code of conduct", similar to the EC code for drug precursors, should be developed for industry and retailers, identifying the kind of behaviour that would give rise to suspicion.

An assessment should be made of 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. The possibility of designing a European symbol to indicate that the product for retail sale is subject to registration could be considered.

7.4. Improving control over explosives available on the market and pyrotechnic articles

Currently, all Member States have an authorising system for companies handling explosives. An authorising system for non-commercial handling of explosives, however, is often lacking. Consequently, there is a need to ensure that each Member State has a formal system for authorising, regulating and licensing the manufacture, storage, sale, use and possession of explosives including by private persons. The system should apply both to companies and to non-commercial activities.

In cases where unauthorised explosives are found, there is an absolute necessity to identify the last official owner of these explosives as quickly as possible. For this reason a unique European marking on all explosives would be very helpful for the law enforcement agencies of the Member States. Such a unique marking scheme is in the process of being developed by the Commission and is likely to result in a proposal for a Directive on the identification and traceability of explosives for civil use. Under the proposed Directive all explosives would be marked with a unique identification both in human readable and in as bar code or matrix code format. Implementation of the scheme should be taken forward as quickly as possible.

The threat posed by pyrotechnic articles should also be examined. Since they may be used in improvised explosives devices control should be improved. Although pyrotechnic articles have not been used to commit terrorist acts, they have been employed in criminal activities (for example as parts of improvised pipe bombs). A new EU directive on pyrotechnic articles was adopted by Council on 16 April 2007[2]. This instrument addresses mainly safety issues, although it also has some security implications.

As there is currently no harmonised approach towards licensing schemes to handle large quantities of pyrotechnic articles, it is possible in some Member States to handle large quantities of pyrotechnic substances without regulatory oversight as long as the relevant storage and transport requirements are met. This gap should be closed by way of introducing harmonised EU requirements for the licensing and handling of large quantities of pyrotechnic articles.

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[2] Directive 2007/23/EC (OJ L 154, 14.6.2007, p. 1).

7.5. Improving the security of explosives facilities

Member States have varying experience and approaches as regards the security of explosives facilities. The fact, however, that major thefts of explosives have occurred in Europe during the past ten years suggests that further efforts are still needed. Further work is needed on approximating the levels of security of explosives facilities in the EU and possibly developing common minimum standards in this area.

First of all, effective Security Plans/Security Management Systems should be operational at all explosives facilities (manufacture, storage, distribution and use). These Security Plans/Security Management Systems must be risk-based and result in operational security measures. Designated "Responsible Persons" and a "Security Manager" should be disclosed within the Security Plan/Security Management System. National authorities should have the possibility of allowing exemptions for small users. In terms of fixed storage facilities, levels of necessary access prevention and detection provisions should be proportional to risk and subject to a standard classification.

Secondly, it should become obligatory for the relevant national authorities to keep explosives manufacturers and distributors informed as to the regional threat at all times. Response plans should be developed and tuned to existing alert levels.

Thirdly, accounting for raw materials used in the manufacture of bulk explosives and finished products should be improved. Accounting and reconciling systems already exist. There is however a need to ensure that theft and inconsistencies are recognised as quickly as possible.

Finally, the task of improving the security of Mobile Explosive Manufacturing Units (MEMUs) should be undertaken. Currently, many civilian explosives are manufactured in the Member States by MEMUs. This amounts to a significant increase in safety compared to manufacturing in factories and the ensuing transport of explosives. Nevertheless, certain improvements concerning the security of MEMUs are needed. The amount of explosives produced by MEMUs should be recorded by at least two independent systems. Each MEMU should be fitted with process locks to prevent unauthorised use and be parked on a site that is guarded or monitored when not in use.

7.6. Improving the security vetting of personnel

There is a need for security checks of all persons professionally involved in dealing with explosives, covering the whole supply chain (manufacture, storage, transport and use). This includes the personnel of companies licensed to handle explosives as well as the personnel of service companies. Consequently, all personnel employed in the manufacturing, storage, distribution and use of explosives, and who have access to explosives, should be vetted and hold a formal authorisation to have access to explosives.

7.7. Improving the security of transport of explosives

The transport of explosives is a particularly sensitive activity due to the threat of direct attack or being illicitly diverted to a destination other than the one intended. Therefore, strict security arrangements for the transport of explosives must be a key aspect of increasing the

security of explosives in general. Consequently, certain security enhancement solutions should be introduced into all EX/II and EX/III[3] vehicles carrying explosives.

A debate should be launched on the need to review the classification of "desensitised explosives". Desensitised explosives include high explosives like RDX (cyclotrimethylenetrinitramine) and PETN (pentaerythritol tetranitrate), which are usually classified as Class 1 of the UN Recommendations on the Transport of Dangerous Goods but when mixed with a desensitising substance can alternatively be classified in Class 4.1 of these Recommendations. Since there is a risk that Class 1 hazards are not completely nullified by the desensitisation process, there is a need to assess whether such "desensitised explosives" should be classified as Class 1 rather than Class 4.1. Therefore, a timely review of the classification of these substances should be undertaken.

7.8. Reducing the supply and quality of information on how to illicitly manufacture explosives

A detailed look should be taken at the use of the internet to spread bomb-making information. On the one hand, the internet provides access to a vast wealth of information which is of benefit to everyone; on the other, it can be misused to spread information that can be employed for malicious purposes. It is necessary to fight against the illicit dissemination of information and materials on bomb-making via the internet, while fully respecting the liberty of the press, freedom of speech and freedom of information. Common minimum criminal sanctions for disseminating bomb-making experience over the internet should be considered. The Commission is already addressing this issue by way of the revision of the Framework Decision on Combating Terrorism[4].

8. DETECTION

Where prevention activities have failed or have been circumvented, it is up to detection tools and practices to minimise the risk of terrorists and other criminals making use of explosives for malicious purposes. Consequently, efficient and accurate explosive detection tools need to be developed.

A comprehensive approach to detection is necessary. A number of detection techniques exist which can be used for explosives. These include Explosive Detection Systems (EDS), x-ray systems, explosive detection dogs, and trace- and vapour detection systems. Nevertheless, practice has shown that the use of a single detection technique may not lead to satisfactory results. A combination of methods may therefore be necessary.

The key priorities include:

- Establishing a scenario-based approach to identifying priorities in detection work;
- Developing minimum detection standards;
- Improving exchange of information;

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[3] EX/II and EX/III refers to vehicles used specifically for the transport of dangerous goods.

[4] Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

- Establishing certification, testing and trialling schemes;

- Making better use of detection technologies in specific locations.

Significant steps have already been taken by the Commission in the field of aviation security. These include the setting of mandatory standards for both the performance requirements of explosive detection equipment and their use. This type of work should continue.

8.1. Establishing a scenario-based approach to identifying work priorities in the detection field

Improving the detection of explosives is a complicated and time-consuming process requiring the involvement of a broad range of stakeholders.

Matching the requirements of the law enforcement community in the field of detection with existing technologies and products is a key challenge. This process can be facilitated through the development of a scenario-based approach to identifying priorities in detection work. Identifying the relevant scenarios and the technologies available to deal with them is the crucial first step to identifying priorities for action in the future. Such scenarios would help focus resources and research, concentrate debate on specific issues and problems, and enhance the understanding of the problems of the various stakeholders across the EU, including the challenge of the time of detection and false/positive alarm rates. The establishment of a working group tasked with identifying and discussing the relevant scenarios and applicable detection requirements would facilitate the process. Due to the sensitive nature of the topics under discussion, it would be composed of representatives from the Member States and the Commission. The private sector and research community may, however, have to be associated with some of the work of the group if deemed appropriate. In such a situation, the relevant security conditions, such as the vetting of participants and the use of secure premises, would have to be guaranteed.

8.2. Developing minimum detection standards

The development of standards is a cost-effective and efficient means of improving the performance of detection equipment. Notwithstanding the work already done in the field of aviation security, minimum detection standards should be developed in the EU. These standards would be updated as technology evolves. Standards can be developed in different forms including legislation or through the European Committee for Standardisation (CEN). The choice of approach will depend on security requirements and stakeholder preferences.

8.3. Improving the exchange of information

The development of improved detection solutions requires close cooperation between the private and the public sectors. Information exchanges need to be improved between those involved in detection, including between law enforcement services and the relevant security staff tasked with physically detecting explosives in various locations, and between law enforcement and security staff, on the one hand, and the manufacturers of detection equipment, on the other.

Efficient detection requires the provision of updated and relevant threat information to security personnel tasked with physically detecting explosives. Since many types and forms of explosives can be used by terrorists, security personnel should be updated about relevant

threats and possible scenarios. This is particularly important for airport personnel. Airport security staff should be provided on a continuous basis with up-to-date information on terrorist modi operandi and other threat information. Appropriate levels of security vetting will be required in order to undertake this process.

Providing training data and the relevant information concerning certain types of explosives to the manufacturers of detection equipment would significantly contribute to the development of better solutions. In many cases, manufacturers of explosives detection equipment do not currently have access to certain explosives or sufficient amounts. If detection solutions have drawbacks in capabilities under certain situations this information should be communicated to the manufacturer in order to improve detection capability. This could be in the form of a specific feedback process and should not be aimed at facilitating the passing of relevant tests by the solution provider.

The work of detection experts could be further facilitated by the creation of a database with restricted access containing the specifications of explosives placed on the EU market. It would include the specifications of explosives needed by the forensic community and by detection experts. Existing licensing requirements could be used for this purpose, with a possible expansion of information requirements.

Other measures in the area of detection could include the creation of a detection handbook for practitioners (end-users) and the setting-up of a network of experts on the detection of explosives.

8.4. Establishing certification, testing and trialling schemes in the EU for explosives detection systems

EU-wide certification, testing and trialling schemes for explosives detection solutions should be established. Such schemes would provide significant advantages in terms of costs as duplication of activities across the Member States resulting in a waste of public resources and private sector resources would be avoided. Moreover, such systems would allow those Member States which do not have their own certification capacities to gain access to the relevant certification information. Common certification, testing and trialling schemes would decrease the reliance of public authorities on information provided by the manufacturers of detection equipment and would allow them to base their decisions on objective results. Finally, such systems would be of benefit to the private sector as they would allow manufacturers to market their products more effectively. Standardisation of certification, testing and trialling processes could be considered in order to ensure identical quality across participating entities.

In terms of certification, a system is needed whereby a detection solution could be assessed to see if it meets certain accepted standards. This certification process would be conducted by accredited laboratories/organisations in the Member States and would be accepted by all Member States.

An EU-wide testing scheme should also be pursued for overall assessment of the performance of a particular detection solution. Such a system would provide a framework for the exchange of test results between the public authorities and relevant institutes of the Member States. This aggregation of information on the performance of detection solutions collected in independent tests would be helpful for public authorities and other stakeholders as it would facilitate decision-making in procurement procedures.

Finally, an EU-wide trialling scheme for detection solutions should be established whereby the performance of multiple new detection technologies could be assessed using identical or very similar scenarios. Such a system would make it easier to compare different technologies originating from various solution providers. The aim of the trialling scheme would be to identify promising solutions and technologies and help bring them to the market.

8.5. Making better use of detection technologies in specific locations

Better use needs to be made of detection technologies in specific locations. As a matter of priority, the situation at airports and other transport and public facilities which could potentially be deemed as critical infrastructure should be examined in more detail. Significant progress has already been achieved in the detection of explosives at specific locations, including the establishment of EU rules on the performance and use of detection equipment at airports. This work should be supported, evaluated and enhanced on a continuous basis, and updated as the need arises. One should also bear in mind the need to minimise the impact of new detection technologies on travellers, whilst maintaining an appropriate level of security. Similar work could be considered for other areas of concern, including other modes of transportation based on relevant scenarios and threat assessment.

9. PREPAREDNESS AND RESPONSE

In the event that prevention and timely detection should fail, appropriate and efficient response systems must be in place. Clearly it would be up to the relevant authorities in each affected Member State to take responsibility for the response effort. Nevertheless, there would be benefit from EU involvement in certain areas in particular through the exchange of information and best practices concerning preparedness and response measures, and information needed to bring the perpetrators to justice.

The key priorities of the preparedness and response pillar would include:

- improving the exchange of information and best practices among Member States;
- developing threat assessments;
- developing specific preparedness and response measures for terrorist threats using explosives.

9.1. Improving the exchange of information and best practices among the relevant Member State authorities

A European Explosive Ordnance Disposal Network (EOD Network) should be created to enhance the exchange of information and mutual confidence. It would contribute to the dissemination of best practices, to the organisation of joint training sessions and to keeping all interested parties up-to-date on recent developments.

Dealing with large quantities of chemicals found at a scene under investigation can be a challenge for less experienced Member States. Improved exchange of information would benefit Explosive Ordnance Disposal experts in these countries, as some are not particularly well equipped to deal with large amounts of unexploded explosives with a view to making them safe and to take samples for laboratory examination and identification.

9.2. Developing threat assessments

Member States should give consideration to the need for a specialised threat assessment on explosives. Different threat assessments are regularly produced on specific terrorist issues. Whether there is a need for a specific threat assessment on explosives would need to be further examined.

9.3. Developing specific preparedness and response measures for terrorist threats using explosives

Mobile phones can be used by terrorists to detonate an explosive device. Consequently, Member States should ensure that the law enforcement authorities have the possibility of requiring providers to shut down mobile telephone services in the relevant areas.

10. MONITORING

Monitoring should be a key part of assessing progress in the implementation of the EU Action Plan on Enhancing the Security of Explosives. Each Member State should provide the Commission on an annual basis with information concerning progress in the implementation of this action plan. Working on the basis of the Member State reports, the Commission will regularly assess the progress made in the implementation of the Action Plan, with a view to identifying what further measures need to be taken and selecting new priorities.

Peer review exercises should be organised to assess the implementation of the Action Plan and enhance the exchange of best practices.

11. FUNDING

The security of explosives is a priority for the Commission and will be eligible for EU funding. Specific funding opportunities for activities relating to the security of explosives will be made available under the "Prevention of and Fight against Crime" programme and the 7th Framework Research Programme (FP7).

Research projects related to explosive detection and identification are being supported under theme 10 of FP7 dealing with Security Research. In addition, it is planned that theme 10 will finance a demonstration project on Chemical, Biological, Radiological, Nuclear substances and Explosives (CBRNE). In parallel, a European Security Research and Innovation Forum (ESRIF) has been created[5], which will develop a mid- and long-term Joint Security Research Agenda that will involve all European stakeholders from both the supply and the demand sides. This agenda should contain a research roadmap based on the future needs of the public and private end-users and the state-of-the-art security technologies. The Commission will ensure that the necessary links will be established between the activities on enhancing the security of explosives and the appropriate ESRIF Working Groups.

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[5] The creation of ESRIF was announced in the Commission Communication on a public-private dialogue in the field of European security research and innovation - COM(2007) 511, 11.9.2007.

On 12 February 2007, the Council of the European Union adopted the specific programme "Prevention of and Fight against Crime" for the period 2007-2013, with a budget of around € 745 million.

This programme provides financial support for activities under Title VI of the Treaty on European Union regarding all types of crime (in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud). One of the specific areas covered by the programme is explosives security.

Funding will be made available for specific priorities identified annually by the Commission.

12. CONCLUSION

Combating the use of explosive devices by terrorists will continue to be a priority of the Commission in the security field. The Action Plan on enhancing the security of explosives will make a substantial contribution to achieving this objective.

All of the measures identified in the Action Plan will be addressed in the years ahead. A number of these measures will have to be taken forward as a matter of priority including the establishment of the:

- European Explosive Ordnance Disposal Network;
- Early Warning System concerning explosives;
- European Bomb Data System;
- Standing Committee of Experts concerning precursors;
- Working Group on detection.

The creation of the European Explosive Ordnance Disposal Network, the Early Warning System concerning explosives and the European Bomb Data System will be taken forward with the support of EU funding in an effort to enhance as quickly as possible the exchange of information between Member States concerning explosives.

Establishment of the Standing Committee of Experts concerning precursors and the Working Group on detection must also be taken forward as a matter of priority so that the relevant experts can begin to discuss the detailed measures that need to be taken concerning explosives precursors and detection systems.

In parallel with the implementation of the Action Plan, the Commission will make funding available for activities in the area of explosives.

Annex – Action Plan on Enhancing the Security of Explosives

Horizontal measures

No.	Measure/Action	Competent body	Deadline	Status/Observations
Priority 1: Improve the exchange of timely information and best practices				
1.1.1	**Establish an Early Warning System concerning explosives** Such a system would be used in order to exchange information concerning: • Immediate threats; • Theft of explosives (any kind); • Theft of detonators; • Theft of precursors; (to be discussed) • Suspicious transactions; • Discovery of new modi operandi. The system should be available in particular to Member States public security authorities (national contact points), Europol and all operational EOD units.	MS/Europol/Commission	End 2008	Task Force Recommendation No. 39 and 40
1.1.2	**Create a European Bomb Data System** The system should provide a common EU instrument enabling authorised governmental bodies at EU and Member States level to have 24/7 access to relevant information on incidents involving explosive devices. At least all operational EOD units in the Member States should have access to the database. Other competent authorities in the Member States should also be given access in line with national law. Competent units or bodies of the Member States should be strongly obliged to provide all necessary information for inclusion in the database.	Europol/MS/Commission	End 2008	Task Force Recommendation No. 35, 36, 37

1.1.3	**Regularly (every two years) organise an event on the security of explosives covering all relevant issues.** Such an event/conference should involving officials from both the public and private sectors.	Commission	Ongoing every two years	Task Force Recommendation No. 50
1.1.4	**Engage in dialogue and exchange of best practices with external partners** The raising of security standards outside of the EU, in particular in ENP countries, should be encouraged.	MS/Commission	Ongoing	
Priority 2: Step-up explosives-related research				
1.2.1	**Improve the aggregation and spread of research results both at EU level as well as at national level across the EU Member States**	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	**Perform further research on the detection of explosives and precursors including through the use of additives** Enhancing both detectability and traceability should be considered.	MS/Commission	ongoing	Task Force Recommendation No. 47
1.2.4	**Perform further research on mobile explosives testing kits**	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 airports** 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 mobile phone signals in threatened areas**	MS/Commission	ongoing	Task Force Recommendation No. 45

Prevention measures

No.	Measure/Action	Competent body	Deadline	Status/Observations
Priority 1: Improve staff awareness concerning precursors				
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	**The establishment of a system to consider measures and prepare recommendations concerning the regulation of explosives precursors available on the market** Such a system should include the establishment of a Standing Committee of Experts tasked with identifying the risks associated with various precursors and recommending appropriate actions to the Commission. The Committee should consider and/or monitor the following issues: • 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. • Restrictions on concentration concerning the sale of certain precursors to end-users. • 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. • Introduction of a voluntary market surveillance scheme for ammonium nitrate fertilizers and restricting the sale of high nitrogen	Commission/MS	Start by end of 2007 Ongoing	Task Force Recommendation No. 4

	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. The work of the Committee should take into account the detailed measures proposed in the Explosives Security Experts Task Force report. 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.			
2.2.2	**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** The relevant quantities and/or concentrations would be set based on the work of the Standing Committee of Experts.	Commission/MS	Start in 2008 Assess the need to setup a concrete system by end 2008	Task Force Recommendation No. 7
2.2.3	**A European minimum standard and industrial guidance by way of an appropriate code should be defined concerning the security of storage of explosives precursors** It should not be in conflict with other Regulations.	Commission/MS	End 2008	Task Force Recommendation No. 8

Priority 3: Improve the control over transactions involving precursors				
2.3.1	**Establish a system of reporting suspicious transactions** 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. 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.	MS/Commission	Start in 2008 Assess the need to setup a concrete system by end 2008	Task Force Recommendation No. 2, 5, 6
2.3.2	**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** The possibility of designing a European symbol to indicate that the product for retail sale is subject to registration could be considered.	MS/Commission	2008	Task Force Recommendation No. 9
Priority 4: Improve the control over explosives available on the market and pyrotechnic articles				
2.4.1	**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** This shall apply to companies as well as to non-commercial activities.	MS	2009	Task Force Recommendation No. 21
2.4.2	**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)**	Commission/MS	End 2007	Task Force Recommendation No. 22

2.4.3	**Harmonise EU requirements for the licensing and handling of large amounts of pyrotechnic articles** 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.	Commission/MS	End 2009	Task Force Recommendation No. 43
Priority 5: Improve the security of explosives facilities				
2.5.1	**Introduce effective Security Plans/Security Management Systems at all explosives facilities (manufacturing, storing, distributing and using)** 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.	MS	Launch debate in 2008 Ongoing	Task Force Recommendation No. 12 and 14
2.5.2	**Introduce an obligation for the relevant national authorities to keep explosives manufacturers and distributors informed as to the regional threat at all times** Response plans should be developed tuned to the level of alert present.	MS	Ongoing	Task Force Recommendation No. 13
2.5.3	**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** 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.	MS	2009	Task Force Recommendation No. 20

2.5.4	**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** The following specific actions should be undertaken: • 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 guarded or monitored when they are not in use.	Commission/MS	End 2009	Task Force Recommendation No. 15, 16, 17
Priority 6: Improve the security vetting of personnel				
2.6.1	**All personnel employed in the manufacturing, storage, distribution and use 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**	MS	Ongoing	Task Force Recommendation No. 11
Priority 7: Improve the security of the transport of explosives				
2.7.1	**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.** These security solutions include: 1) be fitted with 24 hour, remote monitoring systems (e.g. GPS based systems), that are monitored by an appropriately resourced monitoring station. The Monitoring systems (including the Monitoring Station) must reliably enable where technically possible: • Vehicle location to be identified • Alarm activation if vehicle is moved from specified location at certain times	Commission/MS	2009	Task Force Recommendation No. 18

	• 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 5) be fitted with a means of communication 6) have a recognised marking affixed to the roof of the vehicle, to a specified size and description.			
2.7.2	**Launch a debate on the need to review the classification of "desensitized explosives"** This should be done with a view to making sure that future transport regulations (GHS-system) continue to cover such substances.	Commission/MS	Immediately End 2007	Task Force Recommendation No. 19
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**	MS/Commission	ongoing	Task Force Recommendation No. 41
2.8.2	**Harmonize criminal sanctions for distributing bomb-making experience over the Internet**	MS/Commission	End 2008	Task Force Recommendation No. 41

Detection measures

No.	Measure/Action	Competent body	Deadline	Status/Observations
Priority 1: Establish a scenario-based approach to identifying work priorities in the detection field				
3.1.1	**Setup a working group tasked with developing and discussing detection related scenarios, and then identifying detection technology requirements for the scenarios** The working group would be composed of Member State and Commission representatives.	Commission/MS	As soon as possible	Task Force Recommendation No. 23
3.1.2	**Create a matrix of what is desired and of what is currently possible in terms of the detection of explosives for each of the scenarios created by the working group**	Commission/MS	Ongoing	Task Force Recommendation No. 24
Priority 2: Developing minimum detection standards				
3.2.1	**Develop minimum detection standards based on relevant scenarios and threat assessment** These standards should be updated as technology evolves	MS/Commission	Ongoing	Task Force Recommendation No. 25
Priority 3: Improving the exchange of information				
3.3.1	**Ensure that the security staff (in particular at airports) are provided on a continuous basis with up-to-date information on relevant parts of new terrorist modi operandi or other appropriate threat information** 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.	MS	Ongoing	Task Force Recommendation No. 42

3.3.2	**Assess and improve where necessary the situation as regards the availability of training data and other information/feedback for manufacturers of detection solutions**	Commission/MS	End 2009	Task Force Recommendation No. 30
3.3.3	**Create a database containing the specifications of explosives produced within the EU** The database(s) would target specifications of explosives needed by the forensic community and by the experts on detection.	Commission/MS	End 2010	Task Force Recommendation No. 32
3.3.4	**Create a practitioner (end-user) focused handbook concerning detection** The handbook would be classified at an appropriate level.	Commission/MS	End 2008	Task Force Recommendation No. 33
3.3.5	**Create a network of experts on the detection of explosives**	Commission/MS	End 2008	Task Force Recommendation No. 34
Priority 4: Establish EU-wide certification, testing and trialling schemes for the detection of explosives				
3.4.1	**Create a European wide certification scheme for explosives detection solutions**	Commission/MS	End 2009	Task Force Recommendation No. 26
3.4.2	**Create a European wide testing scheme for explosives detection solutions** Under the scheme relevant authorities and institutes would be able to exchange test results.	Commission/MS	End 2009	Task Force Recommendation No. 27
3.4.3	**Create a European wide trialling scheme for explosives detection solutions** 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.	Commission/MS	End 2009	Task Force Recommendation No. 28
3.4.4	**Assess the need for the development of standardized procedures and**	Commission/MS	End 2008	Task Force Recommendation No. 29

	processes concerning certification, testing and trialling processes			
Priority 5: Make better use of detection technologies in specific locations				
3.5.1	**Improve the use of detection technologies at airports, other modes of transportation and other public facilities** 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.	Commission/MS	Ongoing	Task Force Recommendation No. 31

Preparedness and response measures

No.	Measure/Action	Competent body	Deadline	Status/Observations
Priority 1: Improve the exchange of information and best-practices among the relevant Member State authorities				
4.1.1	**Establish a European Explosive Ordnance Disposal Network (EOD Network)** 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. The network should be made available to all EOD-Units (police, governmental and military) dealing with explosives with the MS. The use of EU funding to establish the network should be assessed.	MS/Europol/Commission	End 2008	Task Force Recommendation No. 38
4.1.2	**Exchange information and assistance on dealing with big amounts of chemicals found at a scene under investigation** Such exchange would assist EOD experts and could take place through the EOD network.	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	**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** 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. Relevant experiences, skills and best practices should be exchanged among the Member States via the EOD-Units network in this area.	MS/(Commission)	Ongoing	Task Force Recommendation No. 44 and 46