COUNCIL OF THE EUROPEAN UNION  
Brussels, 24 September 2010

13485/10

ENFOPOL 245  
MI 295

"I/A" ITEM NOTE

from: General Secretariat
to: COREPER / Council

No. prev. doc.: 13294/10 ENFOPOL 239 PROCIIV 286  
11816/1/10 REV 1 ENFOPOL 198 MI 283

Subject: Draft Council conclusions on public-private partnership on enhancing the security of explosives

1. At its meeting on 6 September 2010 the Working Party on Terrorism endorsed the draft Council conclusions on public-private partnership on enhancing the security of explosives which had been drawn up on the basis of Member States' responses to a questionnaire on explosives security (doc. CM 3204/10).

2. CATS agreed on the draft Council conclusions, as set out in doc. 13294/10 ENFOPOL 239 PROCIIV 286, at its meeting on 23-24 September 2010.

3. COREPER is invited to confirm the agreement on the text, as set out in annex, and submit it to the Council for approval.
ANNEX

THE COUNCIL

REAFFIRMING that the European Union's strategic commitment concerning the security of explosives is centred on combating the acquisition, production and use of explosives and explosive devices by terrorists and other criminals in order to protect society from the danger of attacks, including precursors, storage, transport, traceability, detection and response.

RECALLING

- that the EU Action Plan on Enhancing the Security of Explosives, which the Council adopted on 18 April 2008\(^1\), is the foundation of the Union's approach to achieving that strategic objective;
- the recommendations in the final report resulting from the second round of peer evaluation on preparedness and consequence management in the event of a terrorist attack\(^2\), in particular the recommendation on improving private-public partnership;
- the Council conclusions on systems and mechanisms for the enhancement of the security of explosives adopted on 26 April 2010\(^3\).
- the Stockholm Programme\(^4\), which outlines the importance of the implementation of the Action Plan on Enhancing the Security of Explosives as well as the need for better information on the safety of explosives and for enhancing public-private partnership in the field of security.

BEARING IN MIND the reports on the progress of implementation of the Action Plan submitted by the Commission on 18 June 2009\(^5\) and 20 July 2010\(^6\), which show the advances made since its adoption;

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1. 8311/08 JAI 165 ENFOPOL 75 MI 117 ENT 74 CHIMIE 18 TRANS 116 RECH 125
2. 8568/10 ENFOPOL 98 PROCIV 47 + COR 1
3. 7980/10 ENFOPOL 76
4. OJ C 115 4.5.2010, p. 1
5. 11056/09 JAI 402 ENFOPOL 174 MI 245 ENT 138 CHIMIE 49 TRANS 250 RECH 206
6. 11929/10 JAI 613 ENFOPOL 204 MI 235 ENT 76 CHIMIE 19 TRANS 185 RECH 256
TAking note of the effort made by the Member States taking part in the work on development of these initiatives and the support of the European Commission and Europol within their respective spheres of competence;

WHEREAS CERTAIN MEMBER STATES
– have systems enabling them regularly to assess the terrorist threat level using a scale known to both public authorities and private enterprises;
– have channels for the exchange of information enabling private enterprises to inform competent authorities of suspicious behaviour;
– have defined vigilance, prevention and protection measures to be deployed in line with the level of the terrorist threat;
– directly alert manufacturers and distributors of explosives in the event of a specific threat, enabling them to raise the level of security and checks on their sites;
– have terrorist attack response plans;
– have established partnerships between the public and private authorities to make it possible to ensure that explosives manufacturing plants are secure;
– have concluded agreements between private security firms and police services to ensure that explosives manufacturing plants are secure;

INVITES MEMBER STATES
– to develop public-private partnership in combating the acquisition, production and use of explosives and explosive devices by terrorists and other criminals in order to protect society from the danger of attacks;
– to enhance cooperation between explosives distributors and the public authorities;
– to keep explosives manufacturers and distributors informed by competent public authorities in an adequate and due fashion of the threat at regional level;
– to promote reflection among public authorities, explosives manufacturers and distributors on security measures that are taken according to the assessment of the current threat.