Questions and Answers document

Regulation (EU) 2019/1148 on the marketing and use of explosives precursors

This document aims to assist actors in the chemical supply chain and the competent authorities in the implementation of their obligations under Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (further "the Regulation").

It has been drafted by a sub-group of the Standing Committee on Precursors consisting of experts from the private sector, competent authorities of the EU Member States[1] and the European Commission and was subsequently endorsed by the Standing Committee on Precursors. This document complements the guidelines of the European Commission that have been published in the Official Journal of the European Union on 24 June 2020 (further "the Guidelines").

The questions and answers provided in this document are not legally binding and do not interpret the provisions of Regulation (EU) 2019/1148. Only the Court of Justice of the European Union has the power to issue a legally binding interpretation of EU legislation. Neither the European Commission, the above-mentioned private sector or the competent authorities of the EU Member States, nor any person acting on their behalf is responsible for the use which might be made of this document.

Members and Observers of the Standing Committee on Precursors may submit additional questions, and may also propose amendments to the replies proposed in this document via the functional mailbox HOME-EXPLOSIVES@ec.europa.eu.

[1] Regulation (EU) 2019/1148 on the marketing and use of explosives precursors is currently not yet incorporated into the European Economic Area (EEA) Agreement. The Regulation therefore currently only applies to the 27 Member States of the European Union (EU). Once it is incorporated into the EEA Agreement the Regulation will also apply to Iceland, Liechtenstein and Norway. [This footnote will be deleted when the incorporation is completed. Throughout this document 'EU Member States' will then also be replaced by 'EEA States' where needed]

1. Scope

1.1 **Question:** Which substances are covered by the Regulation?

Answer: The substances listed in Annex I and II of the Regulation, as specified by their CAS number, are covered.

1.2 **Question:** Are car batteries covered by the Regulation?

Answer: No, car batteries are not included in the scope of the Regulation. The Regulation applies to substances and mixtures, whereas car batteries are "articles" in the sense of Article 3(3) of the REACH Regulation (i.e. Regulation (EU) 1907/2006), according to the relevant Guideline of the European Chemicals Agency (see https://echa.europa.eu/guidance-documents/guidance-on-reach - in particular the document 'Guidance on requirements for substances in articles'). REACH defines article as "an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition."

1.3 **Question:** Are fireworks covered by the Regulation?

Answer: Article 2(2)(b) of the Regulation exempts 'pyrotechnic articles' as defined in point (1) of Article 3 of Directive 2013/29/EU on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles from the scope of the regulation.

1.4 **Question:** Are pharmaceutical companies exempted from the Regulation?

Answer: No. No company or sector is exempted from the Regulation.

1.5 **Question:** How to cope with regulated precursors that formally fall within the definition of Article 3(13) of the Regulation, but these precursors can hardly be used for making improvised explosives because of technical reasons? Some examples are acetone glue (acetone around 55% w/w) and toothpaste (potassium nitrate up to 5% w/w).

Answer: The reporting obligation further to Article 9 of the Regulation applies if there "*are reasonable grounds, after taking into account all relevant factors"* (see Article 3(7)) that the substances in question (or mixtures) are intended for the illicit manufacture of explosives. In other words, all actors should use their 'common sense' in deciding whether to report suspicious transactions to the national contact points.

1.6 **Question:** Should a company established outside of the EU do the verification upon sale, inform the supply chain, and not make restricted explosive precursors available to the member of the general public if they sell restricted explosives precursors to a customer that resides inside the EU?

Answer: Yes. According to its article 1, the Regulation harmonises rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives. A company established outside of the EU that sells a restricted explosives precursor to a customer residing in the EU introduces a restricted explosives precursor into the territory of a Member State and makes it available (cf. definitions of 'introduction' and 'making available' in Article 3(4) and (5) of the Regulation). Since the Regulation is directly applicable in all EU Member States, its provisions must be observed in this case – i.e. the seller of the restricted explosives precursor has to comply with the provisions of Articles 5, 7-9 of the Regulation.

1.7 **Question** Should a company established inside of the EU do the verification upon sale, inform the supply chain, and not make restricted explosive precursors available to the member of the general public if they sell restricted explosives precursors to a customer that resides outside the EU?

Answer: No. The legal basis for the Regulation is Article 114 of the Treaty on the Functioning of the European Union (TFEU) which concerns the harmonisation of rules for the good functioning of the Internal Market. In the example described in the question, the transaction would not concern the introduction and making available of a restricted explosive precursor into the territory of a Member State but its export. The Regulation does not cover exports of restricted explosives precursors. Economic operators are advised however to verify whether any import controls or other restrictions apply in the third country.

1.8 **Question:** What is the exact geographical scope of the Regulation? Are Switzerland and Norway for example included and must apply the Regulation?

Answer: The Regulation applies in the EU Member States. Moreover, the Regulation will also apply in the members of the European Economic Area (EEA) - namely Norway, Iceland and Liechtenstein - once a decision to incorporate the Regulation into the EEA Agreement is taken.

Switzerland is not a part of the EEA so the Regulation does not apply in Switzerland. As of 1 January 2023, legislation entered into force in Switzerland that also controls and monitors the trade and use of explosives precursors. (https://www.fedpol.admin.ch/fedpol/de/home/sicherheit/explosivstoffe/vorlaeuferstoffe.html)

2. Definitions

2.1 **Question:** The definition of 'economic operator' in the Regulation differs from that in Decision 768/2008/EC on a common framework for the marketing of products. Is the definition in the Regulation still valid?

Answer: Yes, both definitions are valid for the scope of their respective legal acts.

2.2 **Question**: The Annexes refer not only to 'substance,' but also to 'substance that include those substances'. How shall this be interpreted?

Answer: In the Regulation, 'substance' is defined within the meaning of Regulation (EU) 1907/2006 (‘the REACH Regulation’). Based on the current agreed interpretation of the relevant provisions of the REACH Regulation, the European Chemicals Agency (ECHA) has put forth the following considerations:

For the purpose of applying the restrictions in Regulation (EU) 2019/1148 to 'a substance including those substances', a substance A (a restricted explosive precursor) is contained in a substance B when substance B includes in its composition the constituent A. Since substance B is not further defined in the Regulation, substance B could be of any nature. Restrictions in Annex I of Regulation (EU) 2019/1148 apply if the concentration of substance A in substance B is above the limit value set in column 2 of Annex I.

It should be noted that in the context of explosives precursors a ‘substance included in a substance’ is rare.

2.3 **Question:** Does the definition of 'member of the general public' in the Regulation apply to students?

Answer: Students are 'members of the general public' as a general rule, and therefore subject to the rules set forth by the Regulation for instance concerning the acquisition, introduction, possession and use of the restricted explosives precursors listed in Annex I of the Regulation.

In instances where the learning institution of the student (school, university, etc.) is acting as a professional user and acquires, stores and uses restricted explosives precursors, it is upon the learning institution to comply with the obligations under the Regulation. In these cases, students are acting in a professional capacity within the premises of their institution and under its rules and supervision.

3. Verification upon sale

The discussion on the 'Verification upon sale' provision - as provided for in Article 8 of the Regulation - tiggered much discussion by the sub-group. It therefore agreed that the many questions and answers are better dealt with in the form of a regular text (see box hereunder).

1. Legal basis for verifying the proof of identity

1.1 Sales to members of the general public

According to Article 8(1) an "*economic operator who makes available a restricted explosives precursor to a member of the general public in accordance with Article 5(3) shall for each transaction verify the proof of identity and licence of that member of the general public in compliance with the licensing regime established by the Member State where the restricted explosives precursor is made available and record the amount of the restricted explosives precursor on the licence*".

This means that for each sale[2] to a member of the general public the proof of identity (and the licence) needs to be verified.

1.2 Sales to economic operators or professional users

Article 8(2) states that "*For the purpose of verifying that a prospective customer is a professional user or another economic operator, the economic operator who makes available a restricted explosives precursor to a professional user or another economic operator shall for each transaction request the*

[2] The correct legal term to be used here, and further in the document, should in principle be 'making available' instead of 'sale'. However, this is done to increase the readability of the document. Also the 'seller' and 'buyer' should be interpreted in this light.

following information, unless such a verification for that prospective customer has already occurred within a period of one year prior to the date of that transaction and the transaction does not significantly deviate from previous transactions:

(a) proof of identity of the individual entitled to represent the prospective customer;

(b) the trade, business, or profession together with the company name, address and the value added tax identification number or any other relevant company registration number, if any, of the prospective customer;

(c) the intended use of the restricted explosives precursors by the prospective customer.

Member States may use the template of the customer's statement set out in Annex IV."

Although this Article refers to "request" also in this case verification of the proof of identity is required because:

- the title of the article dealing with the concerned provisions is "***Verification** upon sale*"

- the paragraph in question starts with "***For the purpose of verifying** that a prospective customer*…"

- the purpose or spirit of the legislation is to prevent that explosives precursors fall in the wrong hands and are misused for the illicit manufacture of explosives. This therefore strongly suggests that "verification" is needed; otherwise this provision has no added value.

De facto this means that there is no difference as to the proof of identity obligation between sales to the members of the general public or to economic operators/professional users.

This interpretation is confirmed by the Guidelines which state that:

"*For sales to any person, professional or not, the economic operator is required to verify the proof of identity of the prospective customer. In case of legal persons, this verification concerns the individual entitled to represent the prospective customer*."

However, it is important to note that in the context of sales to economic operators or professional users an exception is provided for - see Article 8(2) - if "*such a verification for that prospective customer has already occurred within a period of one year prior to the date of that transaction and the transaction does not significantly deviate from previous transactions*". This is an important facilitation which can greatly reduce the administrative burden for the economic operators concerned.

2. Difference between verifying the proof of identity and recording of the verification activities or results

It is important to distinguish between the obligation to verify the proof of identity and the recording of the verification activities or results. These are two distinct aspects which are linked to different obligations.

The recording of the verification activities is important for two reasons (see also recital (13)) as it assists the authorities of the Member States to:
- prevent, detect, investigate and prosecute serious crime committed with homemade explosives (on the basis of the recorded information)
- check whether the seller has fulfilled its legal obligations and carried out the verification upon sale.

The Guidelines state the following:

"*With a view to facilitate investigations and inspections, economic operators are required to record each transaction and retain that information for 18 months from the date of transaction (Article 8(4)).*

i. In the case of sales to members of the general public
"*As a minimum, economic operators should record the name on the proof of identity and licence, and the document numbers of both documents.*"

ii. In the case of sales to professional users or other economic operators
"*For 18 months from the date of transaction, the economic operator is required to retain the information regarding:*

— the proof of identity of the individual entitled to represent the prospective customer"

This means that economic operators should record the name on the proof of identity and the document number for each transaction. However, if *such a verification for that prospective customer has already occurred within a period of one year prior to the date of that transaction and the transaction does not significantly deviate from previous transactions, the verification upon sale and recording is not necessary for each transaction.*

What kind of proof of identity is acceptable in practice?

It is up to the national competent authorities to determine which documents or procedures can be used or accepted as proof of identity taking into account national legislation and (business) practices.

The most obvious example of a proof of identity is a passport or a national identity card. Member States may also accept other documents or procedures such as a driving licence or official electronic identification methods. For remote sales, including in a business-to-business environment, Member States may also accept that the verification takes place via video conferencing as long as it allows for an adequate control (e.g. good quality of the vision of the person and the proof of identity, good quality of the sound, etc.)

3. Verification upon sale and verification upon delivery

The legislation refers to 'verification upon sale'. In the vast majority of cases, in particular of transactions between professionals[3], distinction can be made between the moment of purchase - and the actors involved – and the moment of delivery – and the actors involved.

This triggers a number of questions on the verification upon sale obligation.

A sale can be broken down in three steps:
- first, the negotiation of the price, quality, delivery method, etc. and the reaching of the sales agreement (in many cases this will lead to the signature of a sales contact);
- second, the physical transport, delivery or handover of the goods;
- third, the payment.

This means that the verification upon sale obligation comprises the delivery or handover moment. Also a purposive interpretation of the legislation – in other words an interpretation that gives effect to the aim or spirit of the legislation – supports this interpretation.

In the Guidelines a number of explicit references are made to verification upon delivery.

In the context of specific recommendations for remote sales for professionals the Guidelines state that:

- "*The proof of identity could additionally be verified in person upon delivery or through other means, for instance through mechanisms provided for in Regulation (EU) No 910/2014). It is important to note that the verification responsibility stays with the economic operator, even if delivery services are instructed to verify documents*." This recommendation clarifies that the verification upon sale (of the first part of the sales process) has to be done at the latest before the physical handover (the second part of the sales process)

But the Guidelines also deal with the second phase of the sales process.
- "*It is also recommended to request a proof of delivery of the restricted explosives precursor and an identifiable signature of the person acting on behalf of the customer to help identify all actors in the supply chain*."

This provision recommends that the supplier (or the transporter acting on his/her behalf) requests a 'proof of delivery' from the person receiving the goods on behalf of the customer. This is actually a

[3] "professionals" means 'professional users' and 'economic operators' further to Article 3(9) and 3(10) respectively.

standard business practice and the document used for is it usually the CMR[4]-waybill (international transport) or the freight note or Bill of Lading (national transport).
The Guidelines furthermore specify in the box on 'Steps to take by the economic operator' that suppliers (or transporters acting on his/her behalf) should also:

"*Check whether the person receiving the goods is authorised to receive restricted explosives precursors on behalf of their company or institution*."

This provision is the logical extension of the verification upon sale principle and flows from the purpose and spirit of the legislation. It places responsibility upon the seller to ensure that there is compliance with the Regulation when delivering restricted explosives precursors so as to ensure that the person receiving these goods is authorised to receive them. This is needed because even if the first part of the sales process has been done in compliance with the legislation, a seller should for instance never deliver the restricted explosive precursors somewhere where there is no appropriate supervision. That would undermine the purpose of the verification upon sale obligation.

The Guidelines do not specify how in practise this should be checked. Once again it is up to the national competent authorities to determine which documents or procedures can be used or accepted for this taking into account national legislation and (business) practices. An example may be that the restricted explosives precursors are delivered in a closed warehouse of the buyer with entry/exit control via Radio Frequency Identification badges and that the receiver's behaviour was in conformity with business practice[5].

In practice this means that the buyer also has certain responsibilities. This includes in the first place that a proof of identity is shown by the buyer, whether s/he is a member of the general public or a representative of an economic operator or a professional user. Moreover, once the purchase has been completed, i.e. the first part of the sales process (including the verification upon sale), the buyer should take the appropriate measures to ensure that the restricted explosives precursors will be received by a staff member which is authorised (and has the appropriate knowledge and competences) to receive

[4] See the 'CMR Convention' (Convention on the Contract for the International Carriage of Goods by Road).

[5] A concrete example could be: Company A (the customer) placed an order with Producer B, a chemical factory. John works as a delivery driver for producer B and he knows the strict protocol that comes with each delivery. He had received his instructions from B in advance, including the date and time slot for the delivery. Arriving at the customer's site, John had to go to the gate and indicate that he was there for the delivery. A security guard would then check John's identification and confirm his purpose for being on the site.

When John's delivery arrived, an employee (normally an authorized person) from the customer site would sign the Bill of Lading. The document is kept by John and shared with producer B, the chemical factory. If the product was delivered in bulk, it was transferred directly from the iso tank to the storage tank. However, if the product was delivered in packaging, it would be stored in secured warehouses within the customer's perimeter.

the goods. In other words, the verification upon delivery becomes a shared responsibility between the seller and the buyer from that moment.

The situation at sites of chemical factories or companies

Generally speaking, security measures (gates, security guards, surveillance cameras, etc.) are in place at chemical sites to prevent theft, and no one can enter the site without proper authorization. Employees need to always wear their identification badges visibly to show that they are authorized to be on site. Visitors must be announced, receive a temporary badge, and show their ID cards to obtain the temporary badge. They also keep a driver database that contains detailed information about each driver, including their ADR qualification (which is valid for two years), their driving license, and their ID. Before a delivery is made, the chemical company should check the database to confirm that the driver meets all the necessary requirements[6].

3.1 **Question:** According to Article 8(2) an economic operator should, among others, request in a business-to-business transaction the proof of identity of the individual entitled to represent the prospective customer. Is a "customer" only the legal entity or also each individual site (one customer can have several sites that buy the products)?

Answer: In the context of Article 8(2), customer should be understood as either a professional user or an economic operator. These terms are defined in Articles 3(9) and 3(10) respectively. Both definitions start with "... means any natural or legal person or public entity or group of such persons or entities that ...". Therefore, the regulation allows the customer to be a 'group of legal persons' which may have different sites but are to be regarded as one customer for the purposes of the Regulation. However, companies acting together, such as in 'group purchasing organisations' (i.e. companies that work temporarily together to increase their bargaining or purchasing power) cannot be considered a 'group of legal persons' in this sense.

[6] Some of these aspects are addressed in voluntary industry initiatives like Responsible Care/Product Stewardship, Code of Conducts, Safety and Quality Assessment System (SQAS), etc.

3.2 **Question:** Article 8(2) (a) determines that for the purpose of verifying that a prospective customer is a professional user or another economic operator, the economic operator who makes available a restricted explosives precursor to a professional user or another economic operator shall for each transaction request, among others, the "*proof of identity of the individual entitled to represent the prospective customer*". How should "represent" be interpreted in the context of a framework purchase agreement[7] ? Is it the person(s) who can conclude the framework agreement or is it the person(s) who can place orders under the framework purchase agreement?

Answer: For the conclusion of the framework purchase agreement the verification upon sale ("purchase"), including checking the proof of identity, is required; for the subsequent placing of the orders under the framework purchase agreement verification upon sale ("purchase") is not needed. It is the responsibility of the buyer to ensure that only authorised staff can place orders under the framework purchase agreement. It is recommended that the framework purchase agreement specifies the conditions under which an order can be placed with a view to an adequate control of all the transactions under the framework purchase agreement.

3.3 **Question:** Is it mandatory for the economic operator to store a copy of the proof of identity (e.g. scanned version of the proof of identity) for the verification upon sale (in particular for remote sales)?

Answer: No**.** However, the economic operator should as a minimum record the name and the document number of the proof of identity. Additionally, it is recommended that the responsible employee records and confirms – e.g. via a signed statement – that he has carried out the verification upon

[7] Framework purchase agreements are arrangements between one or more buyers and one or more suppliers that provide the terms governing contracts to be established for a certain period of time, in particular with regard to price and, where necessary, the quantity envisaged. Other repetitive conditions known in advance, such as the place of delivery, may be included. They are also called blanket purchase agreements and master ordering agreements. Essentially, they are intended to provide expeditious ordering of commonly used, off-the-shelf goods, purchased on the basis of lowest price.

sale (and thus controlled the proof of identity). This will allow the inspection authorities to verify compliance with the legislation.

3.4 Question: Does the customer's statement have to be signed by the company's manager or an authorized person?

Answer: The Regulation does not go into this level of detail. Unless a Member State determines who should sign, the company should make sure that the person is authorised to sign the customer's statement.

3.5 Question: In chapter 'IV.1. Sales to members of the general public – for economic operators operating a licensing regime', in particular the section dealing with remote sales the Guidelines state "*Economic operators are recommended to request a scanned copy of the customer's proof of ID (…)"*.

Is it recommended or mandatory for the scanned copy to be a certified copy (or similar)?

Answer: A certified copy is not mandatory nor explicitly recommended.

3.6 Question: In chapter 'IV.2. Sales to professional users or other economic operators' the Guidelines state *"Economic operators should also check whether the prospective customer is authorised to act on behalf of their company or institution. The person representing the prospective customer should be able to present confirmation from their employer that they are authorised to purchase or receive restricted explosives precursors on the employer's behalf."*

What evidence of authority is required to be requested from representatives of customers that want to buy explosives precursor

products? Is it sufficient for customers to provide a list of authorized representatives? Or is a specific power of attorney recommended?

Answer: There are no explicit requirements on this. It could be considered to use a signed document (by an appropriate management level employee) stating or confirming that the representative is authorised to represent the customer for the purchase or reception of explosives precursors. A formal power of attorney is not needed.

3.7 Question: In chapter 'IV.2. Sales to professional users or other economic operators', in particular the section dealing with remote sales, the Guidelines state *"Economic operators are recommended to use the customer's statement in Annex IV of the Regulation to request the necessary information from professional users or other economic operators to verify that the prospective customer is a professional user or another economic operator."*

A producer is selling explosives precursor products to several economic operators, typically distributors, which complete the customer's statement. As part of the sales agreement with such distributors, it is agreed that the producer shall deliver the products directly to the customers of the distributors, as an additional transportation service. Who is responsible for verification of the customer's statement from these end customers?

Answer: The economic operator further to article 3 (10) of Regulation 2019/1148. This means "any natural or legal person or public entity or group of such persons or entities which make regulated explosives precursors available on the market". In this case, these are the distributors.

3.8 Question: In chapter 'IV.2. Sales to professional users or other economic operators' the Guidelines elaborate on what constitutes a significant deviation for determining whether a verification has already occurred within a period

of one year. "*Examples of indications of a significant deviation are: If the prospective customer wants to buy a much bigger quantity of the restricted explosives precursor without a logical explanation.".* Relevant deviations will trigger a new customer's statement to be verified.

Why only "much bigger"? In some cases a much smaller order can be suspicious.

Answer: This is just an example. Smaller orders, or other unusual changes, could indeed also be suspicious. This needs to be assessed on a case-by-case basis.

4. Reporting of suspicious transactions

4.1 Question: Should transporters be considered to be included in the definition of "professional user" or "economic operator" in the Regulation (see Articles 3(9) and (10))?

Answer: No. Transporters are neither economic operators nor professional users; they are service providers. The responsibility to report suspicious transactions - and/or disappearances and thefts - remains with the economic operators/professional users. Of course, arrangements could be made so as to ensure that economic operators and professional users are informed by the transporters on any suspicious transaction - and/or disappearances and thefts - so that economic operators/professional users, in turn, can comply with the reporting obligations of the Regulation.

Transporters are responsible for ensuring the safe and secure transport of goods from one location to another in a timely and efficient manner, while complying with any applicable regulations and contractual obligations. Typically, the responsibility and reporting obligation of the

transporter are defined under the ADR[8] part 7 Provision concerning transport operations and the Directive 2008/68/EC.

4.2 Question: Should waste management facilities be considered to be included in the definition of a "professional user" or "economic operator" in the Regulation (see Articles 3(9) and (10))?

Answer: 1. First, it should be noted that 'waste' falls outside the scope of Regulation (EU) 2019/1148 on the basis of the following reasoning: According to Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals ('the REACH Regulation'), 'waste' as defined in Directive 2006/12/EC (former Waste Framework Directive) is not a substance, mixture or article within the meaning of Article 3 of the REACH Regulation. As Regulation (EU) 2019/1148 refers to the REACH Regulation to determine its scope 'waste' is also excluded from the scope of Regulation (EU) 2019/1148.

2. Directive 2006/12/EC defines 'waste' as "any substance or object in the categories set out in Annex I which the holder discards or intends or is required to discard". A product (let's say a production residue) can thus be waste for a certain holder (producer A) because it is not useful for him anymore but the same product can be used as raw material for another holder (producer B). This means that a product can change from status 'waste' throughout the supply chain (waste ➔ not waste). In other words, waste can cease to be waste and become a product again.

[8] The Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)

3. To answer the above-mentioned question it is important to first determine whether the product held or managed by the waste management facility is waste or not further to the definition of Directive 2006/12/EC. If it is waste then Regulation (EU) 2019/1148 does not apply (see point 1). If it is not waste then the definitions of article 3(9) concerning 'professional users' or article 3(10) concerning 'economic operator' apply to the waste management facility."

4.3 **Question:** Does the reporting obligation of Article 9 of the Regulation apply to Annex I substances below their limit values?

Answer: Yes, the reporting obligation applies to the substances listed in both Annexes at all concentration levels, except the exclusion provided for in Article 3(13), namely "homogeneous mixtures of more than five ingredients in which the concentration of each substance listed in Annex I or II is below 1 % w/w."

5. Annexes

5.1 **Question:** What is the difference between CAS RN numbers and CN codes?

Answer: Chemical Abstracts Service (CAS) Registry Numbers are unique numeric identifiers for chemical substances, assigned by the Chemical Abstracts Service[9]. The Combined Nomenclature (CN), on the other hand, is a system designed by the European Commission to classify goods for the purpose of applying customs tariffs and for generating trade statistics.

[9] http://www.cas.org/content/chemical-substances/faqs

CN codes are used for the purpose of import/export. They are in the Regulation to assist custom authorities, but they cannot be used to determine if a product falls under the Regulation or not.

The CAS Registry number provides the definitive reference for identifying which chemical substances are covered under the Annexes of the Regulation.