

Regulation (EU) No 98/2013 of the European Parliament
and of the Council of 15 January 2013 on the marketing
and use of explosives precursors (Text with EEA relevance)

Article 13

Safeguard clause

1 Where a Member State has reasonable grounds for believing that a specific substance not listed in the Annexes could be used for the illicit manufacture of explosives, it may restrict or prohibit the making available, possession and use of that substance, or of any mixture or substance containing it, or it may provide that the substance be subject to the reporting of suspicious transactions in accordance with Article 9.

2 Where a Member State has reasonable grounds for believing that a specific substance listed in Annex I could be used for the illicit manufacture of explosives, at a concentration lower than the limit value laid down in Annex I, it may further restrict or prohibit the making available, possession and use of that substance by imposing a lower concentration limit value.

3 Where a Member State has reasonable grounds for establishing a concentration limit value above which a substance listed in Annex II should be subject to the restrictions otherwise applying to restricted explosives precursors, it may restrict or prohibit the making available, possession and use of that substance by imposing a maximum permitted concentration.

4 A Member State restricting or prohibiting substances in accordance with paragraph 1, 2 or 3 shall immediately inform the Commission and the other Member States thereof, giving its reasons.

5 In the light of the information communicated pursuant to paragraph 4, the Commission shall immediately examine whether to prepare amendments to the Annexes in accordance with Article 12(1) or to prepare a legislative proposal to amend the Annexes. The Member State concerned shall, where appropriate, amend or repeal its national measures to take account of any such amendment to the Annexes.

6 By 2 June 2013, Member States shall notify the Commission of any existing national measures restricting or prohibiting the making available, possession and use of a substance or of any mixture or substance containing it on the ground that it could be used for the illicit manufacture of explosives.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) No 98/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Art. 13-18 omitted by [S.I. 2019/742 reg. 51\(13\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/742 reg. 51\(14\)](#)
- Art. 2(1)(1A) substituted for Art. 2(1) by [S.I. 2019/742 reg. 51\(3\)](#)
- Art. 2(1)(b) omitted in earlier amending provision S.I. 2019/742, reg. 51(3) by [S.I. 2020/1371 reg. 3\(3\)\(a\)\(ii\)](#)
- Art. 3(5) words substituted by [S.I. 2019/742 reg. 51\(4\)](#)