

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 4*

**Making available, introduction, possession and use**

1 Restricted explosives precursors shall not be made available to, or introduced, possessed or used by, members of the general public.

2 Notwithstanding paragraph 1, a Member State may maintain or establish a licensing regime allowing restricted explosives precursors to be made available to, or to be possessed or used by, members of the general public, provided that the member of the general public obtains, and, if requested, presents a licence for acquiring, possessing or using them, issued in accordance with Article 7 by a competent authority of the Member State where that restricted explosives precursor is going to be acquired, possessed or used.

3 Notwithstanding paragraphs 1 and 2, a Member State may maintain or establish a registration regime allowing the following restricted explosives precursors to be made available to, or to be possessed or used by, members of the general public if the economic operator who makes them available registers each transaction in accordance with the detailed arrangements laid down in Article 8:

- a hydrogen peroxide (CAS RN 7722-84-1) in concentrations higher than the limit value set out in Annex I, but no higher than 35 % w/w;
- b nitromethane (CAS RN 75-52-5) in concentrations higher than the limit value set out in Annex I, but no higher than 40 % w/w;
- c nitric acid (CAS RN 7697-37-2) in concentrations higher than the limit value set out in Annex I, but no higher than 10 % w/w.

4 Member States shall notify to the Commission all measures they take in order to implement any of the regimes provided for in paragraphs 2 and 3. The notification shall set out the restricted explosives precursors in respect of which the Member State provides for an exception.

5 The Commission shall make publicly available a list of measures notified by Member States in accordance with paragraph 4.

6 Where a member of the general public intends to introduce a restricted explosives precursor into the territory of a Member State which has derogated from paragraph 1 by applying a licensing regime in accordance with paragraph 2 and/or a registration regime in accordance with paragraph 3 or with Article 17, that person shall obtain, and, if requested, present to the competent authority, a licence issued in accordance with the rules laid down in Article 7 and which is valid in that Member State.

7 An economic operator who makes available a restricted explosives precursor to a member of the general public in accordance with paragraph 2 shall for each transaction require the presentation of a licence or, if it is made available in accordance with paragraph 3, keep a record of the transaction, in compliance with the regime established by the Member State where the restricted explosives precursor is made available.

**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. 4(2) words substituted by [S.I. 2019/742 reg. 51\(5\)\(a\)\(i\)](#)
- Art. 4(2) words substituted by [S.I. 2019/742 reg. 51\(5\)\(a\)\(ii\)](#)
- Art. 4(3) words substituted by [S.I. 2019/742 reg. 51\(5\)\(b\)](#)
- Art. 4(4) omitted by [S.I. 2019/742 reg. 51\(5\)\(c\)](#)
- Art. 4(5) omitted by [S.I. 2019/742 reg. 51\(5\)\(d\)](#)
- Art. 4(6) substituted by [S.I. 2019/742 reg. 51\(5\)\(e\)](#)
- Art. 4(7) words substituted by [S.I. 2019/742 reg. 51\(5\)\(f\)](#)

**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\(4\)](#)