

Subsidiary Legislation made under s.13.

**TGEU Implementation (Marketing and Use of Explosives
Precursors) Regulations 2026**

LN.2026/199

Commencement **15.7.2026**

ARRANGEMENT OF REGULATIONS

Regulation

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SCHEDULE

REGULATION (EU) 2019/1148 OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL

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In exercise of the powers conferred on the Government by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and all other enabling powers, and for the purposes of implementing Article 63, in part, and paragraph 5 of Annex 9 to the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community of the one part and the United Kingdom of Great Britain and Northern Ireland of the other; and for connected purposes, the Government has made the following Regulations—

Title.

1. These Regulations may be cited as the TGEU Implementation (Marketing and Use of Explosives Precursors) Regulations 2026.

Commencement.

2. These Regulations come into operation on the Implementation Date.

Interpretation.

3. In these Regulations—

“EU Regulation” means 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;

“Minister” means the Minister with responsibility for justice.

Application of the EU Regulation.

4. The EU Regulation, as set out in amended form in the Schedule to these Regulations, has effect.

SCHEDULE

Regulation 4

**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
(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 114 thereof,
Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national parliaments,
Having regard to the opinion of the European Economic and Social Committee,
Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Regulation (EU) No 98/2013 of the European Parliament and of the Council established harmonised rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives, with a view to limiting their availability to the general public, and ensuring the appropriate reporting of suspicious transactions throughout the supply chain.
- (2) Although Regulation (EU) No 98/2013 has contributed to reducing the threat posed by explosives precursors in the Union, it is necessary to strengthen the system of controls on precursors that can be used for manufacturing homemade explosives. Given the number of changes needed, it is appropriate to replace Regulation (EU) No 98/2013 for the sake of clarity.
- (3) Regulation (EU) No 98/2013 restricted access to, and the use of explosives precursors by, members of the general public. Notwithstanding that restriction, Member States were, however, able to decide to grant members of the general public access to those substances through a system of licences and registration. Restrictions and controls on explosives precursors in the Member States have therefore been divergent and liable to cause barriers to trade within the Union, thus impeding the functioning of the internal market. Furthermore, the existing restrictions and controls have not ensured sufficient levels of public security, as they have not adequately prevented criminals from acquiring

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explosives precursors. The threat posed by homemade explosives has remained high and continues to evolve.

- (4) The system for preventing the illicit manufacture of explosives should therefore be further strengthened and harmonised in view of the evolving threat to public security caused by terrorism and other serious criminal activities. Such strengthening and harmonisation should also ensure the free movement of explosives precursors in the internal market and should promote competition between economic operators and encourage innovation, for example, by facilitating the development of safer chemicals to replace explosives precursors.
- (5) The criteria for determining which measures should apply to which explosives precursors include the level of threat associated with the explosives precursor concerned, the volume of trade in the explosives precursor concerned, and whether it is possible to establish a concentration level below which the explosives precursor could still be used for the legitimate purposes for which it is made available while making it significantly less likely for that precursor to be used for the illicit manufacture of explosives.
- (6) Members of the general public should not be permitted to acquire, introduce, possess or use certain explosives precursors at concentrations above certain limit values, expressed as a percentage by weight (w/w). However, members of the general public should be permitted to acquire, introduce, possess or use some explosives precursors at concentrations above those limit values for legitimate purposes, provided that they hold a licence to do so. Where the applicant is a legal person, the competent authority of the Member State should take into account the background of the legal person and of any person acting either individually or as part of an organ of the legal person and having a leading position within the legal person, based on a power of representation of the legal person, an authority to take decisions on behalf of the legal person or an authority to exercise control within the legal person.
- (7) For some restricted explosives precursors at concentrations above the limit values provided for in this Regulation, there exists no legitimate use by members of the general public. Therefore, licensing should be discontinued for potassium chlorate, potassium perchlorate, sodium chlorate and sodium perchlorate. Licensing should only be permitted for a limited number of restricted explosives precursors for which there exists a legitimate use by members of the general public. Such licensing should be limited to concentrations that do not exceed the upper limit value provided for in this Regulation. Above that upper limit value the risk of the illicit manufacture of explosives outweighs the negligible legitimate use of those explosives precursors by members of the general public, given that alternatives to, or lower concentrations of, those precursors can achieve the same effect. This Regulation should also determine the circumstances which

the competent authorities should, as a minimum, take into account when considering whether to issue a licence. Together with the format of a licence set out in Annex III, this should facilitate the recognition of licences issued by other Member States.

- (8) It should be possible for the mutual recognition of licences issued by other Member States to be done bilaterally or multilaterally, in order to achieve the objectives of the single market.
- (9) In order to apply the restrictions and controls of this Regulation, those economic operators selling to professional users or to members of the general public who hold a licence should be able to rely on information made available upstream in the supply chain. Each economic operator in the supply chain should therefore inform the recipient of regulated explosives precursors that the making available, introduction, possession or use of those explosives precursors by members of the general public is subject to this Regulation, for example, by affixing an appropriate label to the packaging, by verifying that an appropriate label is affixed to the packaging, or by including that information in the safety data sheet compiled in accordance with Annex II to Regulation (EC) No 1907/2006 of the European Parliament and of the Council.
- (10) The difference between an economic operator and a professional user is that the economic operators make an explosives precursor available to another person, whereas professional users acquire or introduce an explosives precursor only for their own use. Economic operators selling to professional users, other economic operators or members of the general public who hold a licence should ensure that their personnel involved in the sale of the explosives precursors are aware of which of the products they make available contain explosives precursors, for instance by including information that a product contains an explosives precursor in the barcode of the product.
- (11) The distinction between professional users, to whom it should be possible to make restricted explosives precursors available, and members of the general public, to whom they should not be made available, depends on whether the person intends to use the explosives precursor concerned for purposes connected with that person's specific trade, business, or profession, including forestry, horticultural and agricultural activity, conducted either on a full-time or part-time basis and not necessarily related to the size of the area of land on which that activity is conducted. Economic operators should therefore not make restricted explosives precursors available either to natural or legal persons who are professionally active in areas in which the specific restricted explosives precursors tend not to be used for professional purposes or to natural or legal persons who are engaged in activities that are not connected to any professional purpose.

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- (12) Personnel of economic operators who are involved in the making available of explosives precursors should be subject to the same rules under this Regulation as apply to members of the general public when using such explosives precursors in their personal capacity.
- (13) Economic operators should retain transaction data to substantially assist the authorities in preventing, detecting, investigating and prosecuting serious crime committed with homemade explosive devices and in verifying compliance with this Regulation. The identification of all actors in the supply chain and all customers is essential for this purpose, be it members of the general public, professional users or economic operators. As the illicit manufacture and use of homemade explosives might occur only a significant amount of time after the sale of the explosives precursor, the transaction data should be retained for as long as is necessary, proportionate and appropriate to facilitate investigations, taking average inspection periods into account.
- (14) This Regulation should also apply to economic operators that operate online, including those that operate on online marketplaces. Therefore, economic operators that operate online should also train their personnel and should also have in place appropriate procedures to detect suspicious transactions. Furthermore, they should only make restricted explosives precursors available to a member of the general public in Member States that maintain or establish a licensing regime in accordance with this Regulation, and only after verifying that that member of the general public holds a valid licence. After having verified the identity of the prospective customer, for instance through mechanisms provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council, the economic operator should verify that a licence has been issued covering the intended transaction, for instance through a physical inspection of the licence at the time of delivery of the explosives precursor or, with the consent of the prospective customer, by contacting the competent authority of the Member State that issued the licence. Economic operators that operate online, like those operating offline, should also request end-use declarations of professional users.
- (15) Online marketplaces act as mere intermediaries between economic operators on the one side, and members of the general public, professional users or other economic operators, on the other side. Therefore, online marketplaces should not fall under the definition of an economic operator and should not be required to instruct their personnel involved in the sale of restricted explosives precursors regarding the obligations under this Regulation or to verify the identity and, where appropriate, the licence of the prospective customer, or to request other information from the prospective customer. However, given the central role which online marketplaces play in online transactions, including as regards the sales of regulated explosives precursors, they should inform their users who aim to make regulated explosives precursors available through the use of their services of the obligations under this

Regulation in a clear and effective manner. In addition, online marketplaces should take measures to help ensure that their users comply with their own obligations regarding verification, for instance by offering tools to facilitate the verification of licences. Given the increasing significance of online marketplaces for all kinds of supply and the importance of this procurement channel, including for terrorist purposes, online marketplaces should be subject to the same detection and reporting obligations as economic operators, although procedures to detect suspicious transactions should be properly adapted to the specific online environment.

- (16) The obligations on online marketplaces under this Regulation should not amount to a general monitoring obligation. This Regulation should lay down only specific obligations for online marketplaces with respect to the detection and reporting of suspicious transactions that take place on their websites or that use their computing services. Online marketplaces should not be held liable, on the basis of this Regulation, for transactions that were not detected despite the online marketplace having in place appropriate, reasonable and proportionate procedures to detect such suspicious transactions.
- (17) This Regulation requires economic operators to report suspicious transactions, regardless of whether the prospective customer is a member of the general public, a professional user or an economic operator. The obligations that relate to regulated explosives precursors, including the obligation to report suspicious transactions, should apply to all substances listed in Annexes I and II, irrespective of their concentration. However, products that contain explosives precursors only to such a small extent and in such complex mixtures that the extraction of the explosives precursors is technically extremely difficult should be excluded from the scope of this Regulation.
- (18) To improve the application of this Regulation, both economic operators and public authorities should provide for adequate training with respect to the obligations under this Regulation. Member States should have inspection authorities in place, should organise regular awareness-raising actions that are adapted to the specificities of each of the different sectors, and should maintain a permanent dialogue with economic operators at all levels of the supply chain, including economic operators that operate online.
- (19) The choice of substances used by criminals for the illicit manufacture of explosives can change rapidly. It should therefore be possible to bring additional substances under the reporting obligation provided for by this Regulation, where necessary as a matter of urgency. In order to accommodate possible developments in the misuse of substances as explosives precursors, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending this Regulation by modifying the limit values above which certain substances that are restricted under this Regulation are not to be made available to the members of the general public, and by listing additional substances in respect of which suspicious transactions are to be reported. It is of

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particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (20) In order to deal with substances not already listed in Annex I or II, but in respect of which a Member State discovers reasonable grounds for believing that they could be used for the illicit manufacture of explosives, a safeguard clause for an adequate Union procedure should be provided. Moreover, in view of the specific risks to be addressed in this Regulation, it is appropriate to allow Member States, in certain circumstances, to adopt safeguard measures, including in respect of substances already subject to measures under this Regulation. Furthermore, Member States should be allowed to maintain national measures of which they have already informed or notified the Commission in accordance with Article 13 of Regulation (EU) No 98/2013.
- (21) The regulatory framework would be simplified by integrating the relevant security-oriented restrictions on the making available of ammonium nitrate from Regulation (EC) No 1907/2006 into this Regulation. For that reason, Annex XVII to Regulation (EC) No 1907/2006 should be amended accordingly.
- (22) This Regulation requires the processing of personal data and their further disclosure to third parties in the case of suspicious transactions. Such processing and disclosure imply an interference with the fundamental rights to respect for one's private life and the protection of personal data. Accordingly, it should be ensured that the fundamental right to the protection of personal data of individuals whose personal data are processed in application of this Regulation is duly protected. Regulation (EU) 2016/679 of the European Parliament and of the Council governs the processing of personal data carried out in the framework of this Regulation. Therefore, the processing of personal data involved in licensing and the reporting of suspicious transactions should be carried out in accordance with Regulation (EU) 2016/679, including the general data protection principles of lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality and the requirement to show due respect for the data subject's rights.
- (23) The Commission should carry out an evaluation of this Regulation based on the criteria of efficiency, effectiveness, relevance, coherence and EU added value. That evaluation should provide the basis for impact assessments of possible further measures. Information should be collected regularly for the purpose of evaluating this Regulation.
- (24) Since the objective of this Regulation, namely limiting access by the members of the general public to explosives precursors, cannot be sufficiently achieved by the Member

States but can rather, by reason of the scale and effects of the limitation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(25) Regulation (EU) No 98/2013 should be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes harmonised rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives, with a view to limiting the availability of those substances or mixtures to members of the general public, and with a view to ensuring the appropriate reporting of suspicious transactions throughout the supply chain.

This Regulation is without prejudice to other more stringent provisions of Union law concerning the substances listed in Annexes I and II.

Article 2

Scope

1. This Regulation applies to the substances listed in Annexes I and II and to mixtures and substances that contain those substances.
2. This Regulation does not apply to:
 - (a) articles as defined in point (3) of Article 3 of Regulation (EC) No 1907/2006;
 - (b) pyrotechnic articles as defined in point (1) of Article 3 of Directive 2013/29/EU of the European Parliament and of the Council;
 - (c) pyrotechnic articles intended for non-commercial use in accordance with national law by the armed forces, law enforcement authorities or fire services;
 - (d) pyrotechnic equipment falling within the scope of Directive 2014/90/EU of the European Parliament and of the Council;
 - (e) pyrotechnic articles intended for use in the aerospace industry;
 - (f) percussion caps intended for toys;
 - (g) medicinal products that have been legitimately made available to a member of the general public on the basis of a medical prescription in accordance with the applicable national law.

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Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'substance' means a substance as defined in point (1) of Article 3 of Regulation (EC) No 1907/2006;
- (2) 'mixture' means a mixture as defined in point (2) of Article 3 of Regulation (EC) No 1907/2006;
- (3) 'article' means an article as defined in point (3) of Article 3 of Regulation (EC) No 1907/2006;
- (4) 'making available' means any supply, whether in return for payment or free of charge;
- (5) 'introduction' means the act of bringing a substance into the territory of Gibraltar, irrespective of its destination in the customs union established by Article 240 of the TGEU, whether from a Member State or from a third country, under any customs procedure;
- (6) 'use' means use as defined in point (24) of Article 3 of Regulation (EC) No 1907/2006;
- (7) 'suspicious transaction' means any transaction concerning regulated explosives precursors for which there are reasonable grounds, after taking account of all relevant factors, for suspecting that the substance or mixture concerned is intended for the illicit manufacture of explosives;
- (8) 'member of the general public' means any person who is acting for purposes not connected with that person's trade, business, or profession;
- (9) 'professional user' means any person or public entity or group of such persons or entities that has a demonstrable need for a restricted explosives precursor for purposes connected with its trade, business, or profession, including agricultural activity, conducted either on a full-time or part-time basis and not necessarily related to the size of the area of land on which that agricultural activity is conducted, provided that such purposes do not include making that restricted explosives precursor available to another person;
- (10) 'economic operator' means any person or public entity or group of such persons or entities which make regulated explosives precursors available on the market, either offline or online, including on online marketplaces;
- (11) 'online marketplace' means a provider of an intermediary service that allows economic operators on the one side, and members of the general public, professional users, or other economic operators, on the other side, to conclude transactions regarding regulated explosives precursors via online sales or service contracts, either on the online marketplace's website or on an economic operator's website that uses computing services provided by the online marketplace;
- (12) 'restricted explosives precursor' means a substance listed in Annex I that is at a concentration higher than the corresponding limit value set out in column 2 of the table in Annex I, including a mixture or another substance in which a substance listed in that Annex is present at a concentration higher than the corresponding limit value;

- (13) 'regulated explosives precursor' means a substance listed in Annex I or II including a mixture or another substance in which a substance listed in those Annexes is present, excluding homogeneous mixtures of more than 5 ingredients in which the concentration of each substance listed in Annex I or II is below 1 % w/w;
- (14) 'agricultural activity' means the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the agricultural area in good agricultural and environmental condition as established under Article 94 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council.
- (15) 'Minister' means the minister with responsibility for justice.

Article 4

Free movement

Except as provided for in this Regulation or in any other enactment, no restriction shall be imposed to prohibit, restrict or impede the making available of a regulated explosives precursor on grounds related to the prevention of the illicit manufacture of explosives.

Article 5

Making available, introduction, possession and use

1.(1) A member of the general public shall not-

- (a) acquire,
- (b) introduce into Gibraltar,
- (c) possess, or
- (d) use

a restricted explosives precursor unless he is the holder of a licence issued under Article 6 authorising such acquisition, introduction, possession or use, as the case may be.

(2) Subject to subparagraph (3), restricted explosives precursors shall not be made available to members of the general public.

(3) An economic operator may make available a restricted explosives precursor, at concentrations not higher than the corresponding upper limit value set out in column 3 of the table in Annex 1, to a person who is a member of the general public only where-

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- (a) the economic operator is satisfied that the person concerned is the holder of a licence issued under Article 6;
 - (b) the person produces the licence at the time of the transaction; and
 - (c) the acquisition of the restricted explosives precursor by the person concerned is permitted under the licence.
- (4) Where an economic operator makes a restricted explosives precursor available in accordance with subparagraph (3), he shall record the transaction in the licence produced under subparagraph (3)(b).
- (5) An economic operator who makes available to a member of the general public a restricted explosives precursor shall-
- (a) affix an appropriate label to the packaging in which the restricted explosives precursor is contained; or
 - (b) where the label is already affixed to the packaging referred to in subparagraph (5)(a), ensure that the label is an appropriate label.
- (6) In subparagraph (5)(a) “appropriate label” means a label which clearly sets out, whether or not with other words, the words “Acquisition, possession or use by the general public is restricted”.
- (7) The requirement under subparagraph (5)(a) is in addition to any other labelling requirements that are prescribed by law.
2. The restriction under paragraph 1 also applies to mixtures containing chlorates or perchlorates listed in Annex I, where the overall concentration of those substances in the mixture exceeds the limit value for any of the substances set out in column 2 of the table in Annex I.
3. A licence may be issued to members of the general public at concentrations not higher than the corresponding upper limit values set out in column 3 of the table in Annex I. Under the licensing regime, a member of the general public shall obtain, and, if requested, present a licence for acquiring, introducing, possessing or using restricted explosives precursors. Such licences shall be issued in accordance with Article 6 by the Commissioner of Police as the competent authority for Gibraltar, being the place where the relevant restricted explosives precursor is intended to be acquired, introduced, possessed or used.

4. *Omitted*

5. *Omitted.*

Article 6

Licences

1.(1) A member of the general public may apply to the Commissioner of Police for a licence where they have a legitimate interest in acquiring, introducing, possessing or using restricted explosives precursors in accordance with this Article.

(2) An application under subparagraph (1) shall be in the form specified by the Commissioner of Police.

(3) A person making an application under subparagraph (1) shall not provide information which is false or misleading in a material particular, knowing the information to be so false or misleading.

(4) The Commissioner of Police shall, on receipt of an application made in accordance with subparagraph (1) of this Article, review the application.

(5) The Commissioner of Police may, for the purposes of making a determination in respect of an application for a licence, require further information from the applicant concerned and may make such enquiries in relation to the application as he considers necessary.

(6) In considering an application, the Commissioner of Police shall take into account all relevant circumstances, in particular:

- (a) the demonstrable need for the restricted explosives precursor and the legitimacy of its intended use;
- (b) the availability of the restricted explosives precursor at lower concentrations or alternative substances with similar effect;
- (c) whether the applicant is a fit and proper person to acquire, introduce into Gibraltar, possess or, as the case may be, use the restricted explosives precursor, taking into account any previous criminal convictions handed down by the courts of Gibraltar or the courts of a Member State;
- (d) the storage arrangements that have been proposed to ensure that the restricted explosives precursor is stored securely;

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- (e) whether the acquisition, introduction into Gibraltar, possession or, as the case may be, use of the restricted explosives precursor would pose a risk to public safety, public order or public security;
 - (f) whether the applicant has a legitimate interest in acquiring, introducing into Gibraltar, possessing or, as the case may be, using the restricted explosives precursor.
- (7) The Commissioner of Police, having considered the application, shall –
- (a) issue a licence in respect of any or all of the restricted explosives precursors to which the application relates;
 - (b) issue a licence in respect of any or all of the restricted explosives precursors to which the application relates, subject to conditions; or
 - (c) refuse a licence.
- (8) The conditions referred to in subparagraph (7)(b) may include-
- (a) in relation to a restricted explosives precursor specified in the licence-
 - (i) the use to which it may be put;
 - (ii) the period in which it may be acquired, introduced into Gibraltar, possessed or, as the case may be, used;
 - (iii) the maximum amount that may be acquired, introduced into Gibraltar, possessed or, as the case may be, used;
 - (iv) the maximum concentration that may be acquired, introduced into Gibraltar, possessed or, as the case may be, used;
 - (v) the location in which it may be acquired, introduced into Gibraltar, possessed or as the case may be, used; or
 - (vi) the conditions under which it may be stored;
- and
- (b) such other condition that the Commissioner of Police considers necessary in the interests of public safety, public order, or public security.

(9) Where the Commissioner of Police having considered an application-

- (a) refuses to issue a licence,
- (b) refuses to issue a licence in respect of a particular restricted explosives precursor which was the subject of the application, or
- (c) issues a licence which is subject to conditions,

he shall notify the applicant in writing of his decision and the reasons for it and shall inform the applicant of his right to appeal the decision.

(10) A person to whom a licence is issued shall comply with the licence and any conditions to which it is subject.

(11) A holder of a licence shall produce the licence if so requested by-

- (a) a police officer; or
- (b) a customs officer.

2. The Commissioner of Police shall refuse to issue a licence where he has reasonable grounds for-

- (a) doubting the legitimacy of the intended use or the intention of the member of the general public to use the restricted explosives precursor for a legitimate purpose;
- (b) the applicant does not have a legitimate interest in acquiring, introducing into Gibraltar, possessing or, as the case may be, using the restricted explosives precursor which is the subject of the application;
- (c) the proposed arrangements do not ensure that the restricted explosives precursor will be stored securely;
- (d) the applicant will not comply with one or more of the conditions which the Commissioner of Police deems necessary;
- (e) the acquisition, introduction into Gibraltar, possession or, as the case may be, use of the restricted explosives precursor would pose a risk to public safety, public order or public security; or

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- (f) the applicant is not a fit and proper person to acquire, introduce into Gibraltar, possess or, as the case may be, use the restricted explosives precursor.

3.(1) The Commissioner of Police may choose to limit the validity of the licence, through permitting single or multiple use. In each licence it shall be made clear that the licence authorises-

- (a) a single transaction, or
- (b) multiple transactions over a certain period.

(2) The period of the validity of a licence shall not exceed three years.

(3) Until the designated expiry of the licence, the Commissioner of Police may, at any time, require the licence holder to demonstrate that the conditions under which the licence was issued continue to be fulfilled.

(4) The licence shall indicate the restricted explosives precursors in respect of which it is issued.

4. A person applying for the grant of a licence under this Article must pay an application fee of £25.

5.(1) The Commissioner of Police may by notification in writing suspend or revoke any licence where he has reasonable grounds to believe that the holder-

- (a) has acquired, introduced into Gibraltar, possessed or, as the case may be, used a restricted explosives precursor otherwise than in accordance with his licence;
- (b) has failed to comply with a condition to which his licence is subject;
- (c) is not a fit and proper person to acquire, introduce into Gibraltar, possess or, as the case may be, use the restricted explosives precursor or precursors concerned.

(2) A person whose licence is suspended or revoked pursuant to subparagraph (1) shall return the licence as soon as practicable to the Commissioner of Police.

6.(1) A person may appeal to the Magistrates' Court against a decision of the Commissioner of Police to-

- (a) refuse the issue of a licence to him;

- (b) refuse to issue a licence in respect of a particular restricted explosives precursor to him;
- (c) issue a licence which is subject to conditions to him; or
- (d) suspend or revoke a licence in respect of which he is a holder.

(2) An appeal under this Article-

- (a) shall state the grounds for the appeal;
- (b) shall be lodged not later than 14 days from the date the decision was notified to the person; and
- (c) shall be on notice to the Commissioner of Police.

(3) Subject to any decision to the contrary by the Magistrate's Court, the decision of the Commissioner of Police shall remain in force until the appeal is determined by the Magistrates' Court.

(4) On hearing an appeal under this Article, the Magistrate's Court may, in relation to the decision of the Commissioner of Police-

- (a) confirm or vary the decision;
- (b) allow the appeal;
- (c) make such other order as it considers appropriate.

7. The Commissioner of Police may recognise licences issued by Member States under this Regulation.

8. A licence issued under this Article shall be in the form set out in Annex III from time to time and shall include the following particulars-

- (a) the name of the holder;
- (b) the restricted explosives precursor or restricted explosives precursors to which the licence relates;
- (c) whether the licence authorises-

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- (i) a single transaction, or
- (ii) multiple transactions over a particular period;
- (d) the conditions (if any) to which the licence is subject.

9. Where the Commissioner of Police—

- (a) receives a request from a Member State for information on a person's criminal convictions for the purpose of fulfilling obligations under this Regulation; or
- (b) seeks information from a Member State regarding the criminal convictions of an applicant for a licence under this Article,

the information shall be requested or transmitted in accordance with the TGEU Implementation (Exchange of Criminal Records) Regulation 2026, save that a response to a request must be provided within 10 working days from the date on which the request is received by the central authority for Gibraltar, as defined in those Regulations.

Article 7

Informing the supply chain

1. An economic operator who makes available a restricted explosives precursor to another economic operator shall inform that economic operator that the acquisition, introduction, possession or use of that restricted explosives precursor by members of the general public is subject to the restrictions set out in Article 5.

An economic operator who makes available a regulated explosives precursor to another economic operator shall inform that economic operator that the acquisition, introduction, possession or use of that regulated explosives precursor by members of the general public is subject to reporting obligations as set out in Article 9.

2. An economic operator who makes available regulated explosives precursors to a professional user or to a member of the general public shall ensure and be able to demonstrate to the competent authority referred to in Article 11 that its personnel involved in the sale of regulated explosives precursors are:

- (a) aware which of the products it makes available contain regulated explosives precursors;
- (b) instructed regarding the obligations pursuant to Articles 5 to 9.

3. An online marketplace shall take measures to ensure that its users, when making available regulated explosives precursors through its services, are informed of their obligations pursuant to this Regulation.

Article 8

Verification upon sale

1. An economic operator who makes available a restricted explosives precursor to a member of the general public in accordance with Article 5 shall for each transaction verify the proof of identity and licence of that member of the general public in compliance with Article 6 where the restricted explosives precursor is made available and record the amount of the restricted explosives precursor on the licence.

2.(1) 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 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.

(2) For the purposes of subparagraph (1), a customer's statement shall be in the form set out in Annex IV.

3. For the purpose of verifying the intended use of the restricted explosives precursor, the economic operator shall assess whether the intended use is consistent with the trade, business or profession of the prospective customer. The economic operator may refuse the transaction if it has reasonable grounds for doubting the legitimacy of the intended use or the intention of the prospective customer to use the restricted explosives precursor for a legitimate purpose. The economic operator shall report such transactions or such attempted transactions in accordance with Article 9.

4. For the purpose of verifying compliance with this Regulation and preventing and detecting the illicit manufacture of explosives, economic operators shall retain the information referred to in paragraphs 1 and 2 for 18 months from the date of transaction. During that period, the

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information shall be made available for inspection at the request of the Commissioner of Police, a police officer or a customs officer.

5. An online marketplace shall take measures to help ensure that its users, when making available restricted explosives precursors through its service, comply with their obligations under this Article.

Article 9

Reporting of suspicious transactions, disappearances and thefts

1. For the purpose of preventing and detecting the illicit manufacture of explosives, economic operators and online marketplaces shall report suspicious transactions. Economic operators and online marketplaces shall do so after having regard to all the circumstances and, in particular, where the prospective customer acts in one or more of the following ways:

- (a) appears unclear about the intended use of the regulated explosives precursors;
- (b) appears unfamiliar with the intended use of the regulated explosives precursors or cannot plausibly explain it;
- (c) intends to buy regulated explosives precursors in quantities, combinations or concentrations uncommon for legitimate use;
- (d) is unwilling to provide proof of identity, place of residence or, where appropriate, status as professional user or economic operator; or
- (e) insists on using unusual methods of payment, including large amounts of cash.

2. Economic operators and online marketplaces shall have in place appropriate, reasonable and proportionate procedures to detect suspicious transactions, adapted to the specific environment in which the regulated explosives precursors are made available.

3. For the purposes of reporting suspicious transactions or significant disappearances and thefts, the Commissioner of Police shall publish a telephone number, email address and any other such contact details as he considers appropriate-

- (a) on the website of the Royal Gibraltar Police; and
- (b) in such other manner as he considers appropriate

and that contact point shall be available 24 hours a day, seven days a week ("the national contact point").

4.(1) Economic operators and online marketplaces shall refuse any transaction which they have reasonable grounds for believing is a suspicious transaction.

(2) Economic operators and online marketplaces shall, within 24 hours of considering that a transaction is suspicious, report to the national contact point the suspicious transaction or attempted suspicious transaction involving-

- (a) a substance specified in Annex I or II; or
- (b) any mixture or substances containing one or more of the substances referred to in subparagraph (2)(a), and the identity, where known, of the customer or potential customer (including an economic operator), as the case may be.

(3) When reporting such transactions, they shall give the identity of the customer if possible and all the details which have led them to consider the transaction to be suspicious to the national contact point.

5. Economic operators and professional users shall report significant disappearances and thefts of regulated explosives precursors within 24 hours of detection to the national contact point of the Member State or the national contact point for Gibraltar, where the disappearance or theft took place. In deciding whether a disappearance or theft is significant, they shall take into account whether the amount is unusual considering all circumstances of the case

6. Members of the general public that have acquired restricted explosives precursors in accordance with Article 5 shall report significant disappearances and thefts of restricted explosives precursors within 24 hours of detection to the national contact point.

Article 10

Training and awareness-raising

1. The Government shall ensure adequate resources for and the provision of training for law enforcement authorities, first responders and customs authorities to recognise regulated explosives precursors in the course of their duties and to react in a timely and appropriate manner to a suspicious activity.

2. The Commissioner of Police shall organise, at least once a year, awareness-raising actions adapted to the specificities of each of the different sectors, including economic operators, using regulated explosives precursors.

3. Economic operators shall be responsible for providing information to their personnel on the manner in which explosives precursors are to be made available under this Regulation and for raising personnel awareness in this regard.

Article 11

Inspection authorities

1.(1) The Commissioner of Police is designated as the competent authority for Gibraltar for the purposes of implementation of and compliance with this Regulation.

(2) The Commissioner of Police may discharge his responsibilities under this Regulation through any officer under his command.

(3) For the purposes of ensuring compliance with and enforcement of this Regulation, a police officer has the power to—

- (a) require any economic operator or professional user to produce records or information relevant to compliance;
- (b) enter, at reasonable times, premises used for the making available or storage of regulated explosives precursors;
- (c) inspect, take copies of or seize books, documents or records (including, in the case of information in non-legible form, a copy of or extract from such information in a permanent legible form);
- (d) take such measures as are reasonably necessary to verify compliance with this Regulation;
- (e) require any person in charge of or employed in such premises or place to give him such books, documents or records that are in the person's power or control or to give such information as he may reasonably require in relation to any entries in such books, documents or records;
- (f) secure for later inspection such premises or place or part thereof in which such regulated explosives precursor or books, documents or records are kept or in which there are reasonable grounds for believing that such regulated explosives precursor or books, documents or records are kept;
- (g) take any measurements or photographs or make any tape, electrical or other recordings that he considers necessary for the purposes of any inquiry, search, examination, investigation or inspection under this Regulation;
- (h) remove and detain, where he has reasonable cause to suspect that there has been a contravention of this Regulation, any such regulated explosives precursor or

books, documents or records or part thereof for such period as may be reasonable for further examination or until the conclusion of legal proceedings;

- (i) as regards any substance or mixture found at or in such premises or place, require any person in charge of the premises or place, or any person who appears to be in possession of the substance or mixture, to supply for test, examination or analysis sufficient samples thereof;
 - (j) examine any procedure connected with the making available, introduction, possession or use of a regulated explosives precursor;
 - (k) require any person to allow access to such facilities and to provide assistance as is within the person's control or responsibilities that are reasonably necessary to enable him to exercise any of the powers conferred on him under this Regulation; or
 - (l) acquire regulated precursor samples, including under a cover identity, from an economic operator or an online marketplace in order to inspect those samples to identify non-compliance with this Regulation and to obtain evidence.
- (4) If a police officer has reasonable grounds to suspect that any person is in possession of a restricted explosives precursor in contravention of this Regulation, he may –
- (a) search that person and detain him for the purpose of searching him;
 - (b) search any vehicle or vessel in which he suspects that the restricted explosives precursor may be found and for that purpose require the person in control of the vehicle or vessel to stop it;
 - (c) seize and detain, for the purposes of proceedings under this Regulation, anything found in the course of the search which appears to the police officer to be evidence of an offence under this Regulation.
- (5) Nothing in subparagraph (4) affects any power of search or any power to seize or detain property which is exercisable by the Commissioner of Police or any police officer under any other enactment.
- (6) No power in subparagraph (3) shall be taken to compel the production by any person of a document of which he would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the Supreme Court.

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(7) No answer given by a person in pursuance of a requirement imposed under subparagraph 3(e) shall be admissible in evidence in any proceedings against that person.

(8) A police officer shall not, other than with the consent of the occupier, enter a private dwelling unless a search warrant has been obtained in accordance with this Article.

(9) “Private dwelling” in subparagraph (8) means any structure or part of a structure occupied as a person’s home or as other living accommodation (whether the occupation is separate or shared).

(10) If a magistrate is satisfied by information on oath that there is a reasonable ground for suspecting that-

- (a) any restricted explosives precursor is, in contravention of this Regulation, in the possession of a person on any premises; or
- (b) a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would, if carried out, be an offence under this Regulation, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside Gibraltar an offence against the provisions of a corresponding law in force in that place, is in the possession of a person on any premises,

the magistrate may grant a warrant authorising the Commissioner of Police or any officer under his command, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found in them and, if there is reasonable ground for suspecting that an offence against this Regulation has been committed in relation to any restricted explosives precursor found on the premises or in the possession of any such persons, or that a document so found is such a document as is mentioned in part (b), to seize and detain that restricted explosives precursor or that document as the case may be.

2. *Omitted.*

Article 12

Guidelines

1. The Commissioner of Police may issue guidelines to assist actors in the chemical supply chain and to facilitate cooperation between the Royal Gibraltar Police and economic operators. To inform these guidelines, the Commissioner shall have regard to any guidelines issued by the European Commission on:

- (a) information on how to conduct inspections;
- (b) information on how to apply the restrictions and controls under this Regulation to regulated explosives precursors ordered at a distance by members of the general public or professional users;
- (c) information on possible measures to be adopted by online marketplaces to ensure compliance with this Regulation;
- (d) information on how to exchange relevant information between the competent authorities and the national contact points and between Member States;
- (e) information on how to recognise and report suspicious transactions;
- (f) information on storage arrangements which ensure that a regulated explosives precursor is securely stored;
- (g) other information, which may be deemed useful.

2. The Commissioner of Police shall provide electronic links to the guidelines issued by him for ease of access by economic operators and members of the general public.

3. *Omitted*

Article 13

Penalties

1. Any person who contravenes Articles 5, 6, 7, 8 or 9 commits an offence and is liable-

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding level 4 on the standard scale, or to both,
- (b) on indictment, to imprisonment for a term not exceeding 3 years or a fine or to both.

2. Where a person is convicted of an offence under this Regulation, the court may order the forfeiture of any restricted explosives precursors to which the offence relates.

3. A person who-

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- (a) intentionally obstructs a person in the exercise of his powers under Article 11;
- (b) conceals from a person acting in the exercise of his powers under Article 11 any such books, documents or records or restricted explosives precursors;
- (c) without reasonable excuse fails to produce any such books, documents or records when their production is demanded by a person in the exercise of his powers under Article 11,

commits an offence.

4. Where an offence under this Regulation is committed by a body corporate and it is proved that the offence-

- (a) has been committed with the consent or connivance of an officer of the body corporate; or
- (b) is attributable to any neglect on the part of an officer of the body corporate,

the officer (as well as the body corporate) commits the offence and is liable to be proceeded against and punished accordingly.

5. In paragraph 4, “officer” in relation to a body corporate, means-

- (a) a director, manager, secretary or other similar officer, or;
- (b) person purporting to act in such capacity.

6. Where the affairs of a body corporate are managed by its members, paragraphs 4. and 5. above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were an officer of the body corporate.

Article 14

Safeguard clause

1. Where the Minister has reasonable grounds for believing that a specific substance that is not listed in Annex I or II could be used for the illicit manufacture of explosives, he may restrict or prohibit the making available, introduction, possession and use of that substance, or of any mixture or substance containing it, or provide that the substance be subject to reporting obligations in accordance with Article 9.

2. Where the Minister 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 equal to or lower than the limit values set out in column 2 or 3 of the table in Annex I, he may further restrict or prohibit the making available, introduction, possession and use of that substance by imposing a lower limit value.
3. Where the Minister has reasonable grounds for establishing a limit value above which a substance listed in Annex II is to be subject to the restrictions that otherwise apply to restricted explosives precursors, he may restrict or prohibit the making available, introduction, possession and use of that substance by imposing that limit value.
4. Where the Minister restricts or prohibits substances in accordance with paragraph 1, 2 or 3, he shall immediately inform, through the mechanisms provided for in the TGEU, the European Commission of such restrictions or prohibitions, giving his reasons.
5. Where the Minister restricts or prohibits substances in accordance with paragraph 1, 2 or 3 he shall direct the Commissioner of Police to raise awareness of such restrictions or prohibitions among economic operators and online marketplaces on its territory.
6. *Omitted.*
7. *Omitted.*
8. *Omitted.*

Articles 15 to 23

Omitted.

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ANNEX I

RESTRICTED EXPLOSIVES PRECURSORS

List of substances which are not to be made available to, or introduced, possessed or used by, members of the general public, whether on their own or in mixtures or substances that include those substances, unless the concentration is equal to or lower than the limit values set out in column 2, and for which suspicious transactions and significant disappearances and thefts are to be reported within 24 hours:

1. Name of the substance and Chemical Abstracts Service Registry number (CAS RN)	2. Limit value	3. Upper limit value for the purpose of licensing under Article 5(3)	4. Omitted.	5. Omitted.
Nitric acid (CAS RN 7697-37-2)	3 % w/w	10 % w/w		
Hydrogen peroxide (CAS RN 7722-84-1)	12 % w/w	35 % w/w		
Sulphuric acid (CAS RN 7664-93-9)	15 % w/w	40 % w/w		
Nitromethane (CAS RN 75-52-5)	16 % w/w	100 % w/w		
Ammonium nitrate (CAS RN 6484-52-2)	16 % w/w of nitrogen in relation to ammonium nitrate (16 % w/w of nitrogen in relation to ammonium nitrate corresponds to 45,7 % ammonium nitrate, discarding impurities.)	No licensing permitted		

Potassium chlorate (CAS RN 3811-04-9)	40 % w/w	No licensing permitted		
Potassium perchlorate (CAS RN 7778-74-7)	40 % w/w	No licensing permitted		
Sodium chlorate (CAS RN 7775-09-9)	40 % w/w	No licensing permitted		
Sodium perchlorate (CAS RN 7601-89-0)	40 % w/w	No licensing permitted		

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ANNEX II

REPORTABLE EXPLOSIVES PRECURSORS

List of substances on their own or in mixtures or in substances for which suspicious transactions and significant disappearances and thefts are to be reported within 24 hours:

1. Name of the substance and Chemical Abstracts Service Registry number (CAS RN)	2. Omitted.	3. Omitted.
Hexamine (CAS RN 100-97-0)		
Acetone (CAS RN 67-64-1)		
Potassium nitrate (CAS RN 7757-79-1)		
Sodium nitrate (CAS RN 7631-99-4)		
Calcium nitrate (CAS RN 10124-37-5)		
Calcium ammonium nitrate (CAS RN 15245-12-2)		
Magnesium, powders (CAS RN 7439-95-4) (With a particle size less than 200 µm. As a substance or in mixtures containing 70 % w/w or more of aluminium or magnesium.)		
Magnesium nitrate hexahydrate (CAS RN 13446-18-9)		
Aluminium, powders (CAS RN 7429-90-5) (With a particle size less than 200 µm. As a substance or in mixtures containing 70 % w/w or more of aluminium or magnesium.)		

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ANNEX III

FORMAT FOR A LICENCE

Format for a licence for a member of the general public to acquire, introduce, possess and use restricted explosives precursors, as referred to in Article 6 paragraph 8.

1. Member of the general public (Name and address) Name: Identification Document Number: Address: Country: Tel.: Email:
2. Licence Number:
3. Licence for single use or multiple use (please tick) ☐ single acquisition, introduction, possession and use of a restricted explosives precursor name of the restricted explosives precursor(s): maximum amount: maximum concentration: licensed use: ☐ multiple acquisition, introduction, possession and use of a restricted explosives precursor name of the restricted explosives precursor(s): maximum amount in possession at any time: maximum concentration: licensed use:
4. If different than box 1 and required by national law, address where the restricted explosives precursor(s) will be stored:
5. If different than box 1 and required by national law, address where the restricted explosives precursor(s) will be used:
6. Indicate whether the restricted explosives precursor(s) is/are intended to be introduced or used (or both) in a Member State different from the Member State issuing this licence or outside the European Economic Area: ☐ yes ☐ no Address: Timeframe for the introduction or use (or both) of the restricted explosives precursor(s):

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ANNEX IV

CUSTOMER'S STATEMENT

concerning the specific use or uses of a restricted explosives precursor as referred to in Regulation (EU) 2019/1148 of the European Parliament and of the Council (*)

(Fill in capital letters) (*)

The undersigned,

Name (customer): _____

Point of identity (number, issuing authority): _____

Authorized representative of:

Company (principal): _____

Value added tax or another company identification number (**):/VAT number: _____

Trade/business registration: _____

Commercial name of the product	Restricted explosives precursor	CAS No.	Amount supplied	Concentration	Intended use

I hereby declare that the commercial product and the substance or mixture that it contains shall be used only for the indicated use, which is in any case legitimate, and will be sold or delivered to another customer only if they make a similar declaration of use, respecting the restrictions established in Regulation (EU) 2019/1148 for the making available to the members of the general public.

Signature: _____ Name: _____

Function: _____ Date: _____