

Protection of consumers: placing on the market and use of pyrotechnic articles, in particular fireworks

2005/0194(COD) - 23/05/2007 - Final act

PURPOSE: to harmonise national legislation in order to guarantee the free movement of pyrotechnic articles within the internal market whilst ensuring a high level of protection of human health and safety and protection of consumers and professional end users.

LEGISLATIVE ACT: Directive 2007/23/EC of the European Parliament and of the Council on the placing on the market of pyrotechnic articles.

CONTENT: the Council adopted the Directive at first reading, following negotiations with the European Parliament. The Directive establishes the essential safety requirements which pyrotechnic articles must fulfil with a view to their being placed on the market. The main elements are as follows:

Categorisation: pyrotechnic articles shall be categorised by the manufacturer according to their type of use, or their purpose and level of hazard, including their noise level. Pyrotechnic articles should include fireworks, theatrical pyrotechnic articles and pyrotechnic articles for technical purposes. The Directive shall not apply to: pyrotechnic articles intended for non-commercial use, by the armed forces, the police or fire departments and in the aerospace industry; percussion caps intended specifically for toys; and blank ammunition used in portable firearms.

Age limits: pyrotechnic articles shall not be sold or otherwise made available to consumers below the following age limits: (a) Fireworks: category 1: 12 years; category 2: 16 years; category 3: 18 years; (b) other pyrotechnic articles and theatrical pyrotechnic articles: category T1 and P1: 18 years. These limits can be increased where justified on grounds of public order, security or safety. The provisions of this Directive shall not preclude measures taken by a Member State to prohibit or restrict the possession, use and/or the sale to the general public of category 2 and 3 fireworks, theatrical pyrotechnic articles and other pyrotechnic articles, where measures are justified on grounds of public order, security or safety, or environmental protection.

Obligations of the manufacturer importer and distributor: manufacturers shall ensure that pyrotechnic articles placed on the market comply with the essential safety requirements set out in Annex I. If the manufacturer is not established in the Community, the importer of the pyrotechnic articles shall ensure that the manufacturer has fulfilled his obligations under this Directive. The importer may be held liable by authorities and bodies in the Community with regard to those obligations. Distributors shall verify, in particular, that the pyrotechnic article bears the required conformity marking(s) and is accompanied by the required documents.

Obligation to affix the CE marking: after having successfully completed the conformity assessment, manufacturers shall visibly, legibly and indelibly affix the CE marking to the pyrotechnic articles themselves or, if this is not possible, to an identification plate attached thereto or to the packaging. The identification plate must be so designed as to make its reuse impossible.

Labelling: the labelling of pyrotechnic articles for vehicles shall include the name of the manufacturer or, where the manufacturer is not established in the Community, the name of the importer, the name and type of the article and the safety instructions. Manufacturers shall ensure that pyrotechnic articles other than

pyrotechnic articles for vehicles are properly labelled visibly, legibly and indelibly in the official language (s) of the Member State in which the article is sold to the consumer.

Market surveillance: Member States shall carry out regular inspections of pyrotechnic articles on entry into the Community and at storage and manufacturing sites. Member States shall take appropriate measures to ensure that when pyrotechnic articles are transferred within the Community, the safety and public security and protection requirements of this Directive are met. In addition, Member States shall lay down rules on penalties applicable to infringements of the provisions of national law adopted pursuant to this Directive and ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Rapid information on products presenting serious risks: where a Member State has sufficient reasons to believe that a pyrotechnic article presents a serious risk to the health and/or safety of persons, it shall inform the Commission and the other Member States thereof and shall perform an appropriate evaluation.

ENTRY INTO FORCE: 04/07/2007.

TRANSPOSITION: 04/10/2010.

APPLICATION: (a) by 4 July 2010, at the latest, for fireworks of categories 1, 2 and 3; and by 4 July 2013, at the latest, for other pyrotechnic articles, for fireworks of category 4 and for theatrical pyrotechnic articles.