

Pyrotechnic articles: making available on the market. Recast. 'Goods package'

2011/0358(COD) - 15/11/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Zuzana ROITHOVÁ (EPP, CZ) on the proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (recast).

The parliamentary committee recommends that the European Parliament's position adopted at first reading according to the ordinary legislative procedure should amend the Commission's proposal as follows:

Protection of vulnerable users: Members consider that envisaged harmonisation must ensure a high level of protection of vulnerable consumers (children, the elderly and the disabled) in those cases where the pyrotechnic articles are not intended for professional use. In addition, Member States may increase the age limits of end-users where justified on **grounds of health**.

Labelling: Members call for the labelling of pyrotechnic articles other than that for pyrotechnic articles for vehicles, as well as any instructions and safety information, to be **clear, understandable and intelligible**. The labelling should ensure the **traceability** of the pyrotechnic article.

When placing a pyrotechnic article on the market, every importer should indicate on the pyrotechnic article his **name, registered trade name or registered trade mark, and the postal or, if available, the website address** at which he can be contacted. Where that is not reasonably possible, those details shall be provided on the packaging or in a document accompanying the pyrotechnic article.

The address must indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

Obligations of economic operators: importers shall ensure that the manufacturer has drawn up the technical documentation, that the pyrotechnic article bears the CE marking and is accompanied by the **required documents**.

Pyrotechnic articles which were **lawfully placed on the market before the date set for transposition** may be made available on the market by distributors without further product requirements.

Furthermore, all obligations imposed on economic operators by this Directive should also apply in the case of **distance selling**.

Products in stock: a new provision requires Member States to ensure that the obligations of economic operators concerning the products in stock are applied.

EU declaration of conformity: Members propose modernising existing procedures so that the EU declaration of conformity is available not only in paper form but **also by electronic means**.

It is also proposed to add **an exception to the rule of the single EU declaration of conformity** in the case of where issuing a single EU declaration of conformity could cause specific problems due to the complexity or scope of that single EU declaration. In this case, it should be possible to replace that single EU declaration by individual EU declarations of conformity relevant for the particular pyrotechnic article.

Notifying authorities: an amendment stipulates that a notifying authority shall not delegate or otherwise entrust the assessment, notification or monitoring to a body which is not a governmental entity. The conformity assessment body shall not be the manufacturer of pyrotechnic articles or explosive substances in general.

Market surveillance: Members suggest that the Member States shall **provide the Commission annually with details** of the activities of their market surveillance authorities and of any plans for and increase in market surveillance, including the allocation of more resources, the increase in efficiency and the building of the necessary capacity for achieving those goals. Member States shall provide **adequate funding** to their market surveillance authorities.

An amendment stipulates that pyrotechnic articles should be placed on the market only where they are properly stored and used for their intended purpose or for a purpose that is reasonably foreseeable and they do not endanger the health and safety of persons.

Penalties: Members propose that Member States build upon existing mechanisms to ensure correct application of the regime governing the CE marking and **take appropriate action in the event of improper use of that marking**. Such rules may include **criminal penalties** for serious infringements. The penalties shall be **proportionate to the seriousness of the offence**.

Non-retroactive nature of the legislation: Members want to ensure that national authorisations for pyrotechnic articles for vehicles type-approved before 4 July 2013, **including their spare parts**, shall continue to be valid until their expiry.

Transposition: it is proposed that transposition of this Directive should take place **no later than three years** from the date of its entry into force (the Commission proposes that this deadline be set at no later than 3 July 2013). The Member States would be required to communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive which the Commission would then make publicly available by **publishing them on the internet**.