

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

2011/0358(COD) - 22/05/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 667 votes to 15 with 7 abstentions, a legislative resolution 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).

Parliament adopted its position in first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise between Parliament and Council. They amend the Commission's proposal as follows:

Scope: the Directive shall not apply to fireworks which are built by a manufacturer for his own use and approved for use exclusively on its territory by the Member State in which the manufacturer is established, **and which remain on the territory of that Member State.**

The Directive should apply to all forms of supply, including **distance selling.**

Age limits and other restrictions: Pyrotechnic articles shall not be made available on the market to persons below certain age limits. Pyrotechnic articles of category P1 **for vehicles**, including airbag and seat belt pre-tensioner systems, shall not be made available to members of the general public unless those pyrotechnic articles for vehicles have been incorporated in a vehicle or a detachable vehicle part.

Obligations regarding information: manufacturers and importers shall indicate on the pyrotechnic article **their name, registered trade name or registered trade mark and the postal address** at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the pyrotechnic article.

The address shall 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. Instructions and safety information must be in **a language which can be easily understood** by consumers and other end-users. Such instructions and safety information, as well as any labelling, shall be clear, understandable and intelligible.

Traceability: manufacturers shall include on the label **a registration number** assigned by the notified body carrying out the conformity assessment pursuant to the terms of the directive. Manufacturers and importers shall **maintain records of the registration numbers** of the pyrotechnic articles they make available on the market and shall make this information available to the relevant authorities upon request.

Documents and information: further to a reasoned request from a competent national authority, all information and documentation necessary must be sent in **paper or electronic form.**

To ensure effective access to information for market surveillance purposes, the information required to identify all applicable Union acts must be available in a **single EU declaration of conformity** (using the model in Annex III) . In order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.

CE marking: Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take **appropriate action in the event of improper use of that marking**.

Notified bodies: the conformity assessment procedures require the intervention of conformity assessment bodies, which are notified by the Member States to the Commission. Notified bodies carrying out conformity assessments shall assign **registration numbers**, identifying pyrotechnic articles, which have been subject to a conformity assessment and their manufacturers, and shall maintain a **register** with the registration numbers of pyrotechnic articles for which they have issued certificates.

Union market surveillance and control of pyrotechnic articles entering the Union market: pyrotechnic articles may be placed on the market only if, **when properly stored and used for their intended purpose**, they do not endanger the health and safety of persons.

Compliant pyrotechnic articles which present a risk to health or safety: the Commission shall adopt **immediately applicable implementing acts** on duly justified imperative grounds of urgency relating to the protection of health and safety of persons.

Penalties: penalties applicable to infringements by economic operators may include **criminal penalties** for serious infringements.