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

2011/0358(COD) - 12/06/2013 - Final act

PURPOSE: to update the rules on the free movement of pyrotechnic articles.

LEGISLATIVE ACT: Directive 2013/29/EU on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (recast).

CONTENT: the Directive lays down rules designed to **guarantee the free movement of pyrotechnic articles within the internal market** while ensuring a high level of protection of human health and safety, as well as a high level of protection of consumers and professional end-users, and taking into account environmental protection aspects.

It establishes the **essential safety requirements** with which pyrotechnic articles shall comply so as to be made available on the market. It involves an alignment of Directive 2007/23/EC with the so-called **New Legislative Framework**, in particular Decision No 768/2008/EC, which established a common framework for the marketing of products.

Scope: pyrotechnic articles include fireworks, theatrical pyrotechnic articles and other pyrotechnic articles for technical purposes, such as gas generators used in airbags or in seatbelt pretensioners.

It does 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** .

This Directive applies 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:

- fireworks: (i) category F1: 12 years; (ii) category F2: 16 years; (iii) category F3: 18 years;
- theatrical pyrotechnic articles of category T1 and other pyrotechnic articles of category P1: 18 years.

Certain pyrotechnic articles shall not be made available except to persons with **specialist knowledge**.

Obligations of economic operators: all economic operators intervening in the supply and distribution chain shall take appropriate measures to ensure that they only make available on the market pyrotechnic articles which are **in conformity** with this Directive. Provision is made for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.

Information and labelling: the Directive provides that manufacturers 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 provided **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: to facilitate the traceability of pyrotechnic articles, manufacturers shall label them with a **registration number** assigned by the notified body carrying out the conformity assessment pursuant to 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.

Pyrotechnic articles from third countries: the Directive requires importers to place only compliant pyrotechnic articles on the market.

Before placing a pyrotechnic article on the market, importers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer, that the pyrotechnic article bears the CE marking and the necessary labelling, and that the documents drawn up by the manufacturer are available to the competent authorities upon request.

Market surveillance: to ensure effective access to information for market surveillance purposes, the information required to identify all applicable Union acts shall be available in a single **EU declaration of conformity** (drawn up in accordance with the model in Annex III).

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.

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

ENTRY INTO FORCE: 29/06/2013.

TRANSPOSITION: 30/06/2015.

APPLICATION: as of 01/07/2015.