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

2005/0194(COD) - 14/09/2006

The committee adopted the report by Joel HASSE FERREIRA (PES, PT) amending - under the 1st reading of the codecision procedure - the proposed directive on the placing on the market of pyrotechnic articles:

- pyrotechnic articles intended for non-commercial use by fire departments (i.e for training purposes) should be exempted from the directive, as should pyrotechnic articles intended for use in the aerospace industry as well as percussion caps intended specifically for toys (the latter are already subject to the directive on the safety of toys);

- the committee clarified a number of definitions: 'pyrotechnic article' means inter alia any article containing explosive substances or an explosive mixture of substances, while the definition of 'automotive pyrotechnic article' was replaced by 'pyrotechnic articles for vehicles' covering components of safety devices in vehicles. 'Placing on the market' should not cover "fireworks built by the manufacturer for own use in the territory where they are produced"; similarly, 'manufacturer' would not include a person who designs and manufactures a product for his own professional or private use;

- MEPs also introduced a new definition: 'theatrical pyrotechnic articles', meaning pyrotechnics designed for stage use that are electrically or electronically initiated. A number of amendments reflected the need for the directive to take due account of these pyrotechnical articles and their specificities, particularly their categorisation, so that harmonised European standards can be developed;

- in key amendments, the committee said that 'authorised representative' should be replaced by 'importer' throughout the text. This would mean anyone who "makes a product originating from a third country available on the Community market for the first time in the course of his business". If the manufacturer is not established in the Community, "the importer of the pyrotechnic articles shall assume all obligations of the manufacturer under this Directive". MEPs argued that, given that the vast majority of fireworks on the EU market are imported from China and that authorised representatives may be easily replaced, the importer should assume the responsibility of the manufacturer and thus ensure that the product complies with the essential safety requirements;

- when categorising fireworks for the purposes of the directive, the level of hazard should include noise level, which should not be harmful for human health;

- on labelling, a separate article should be introduced for pyrotechnic articles for vehicles, given that these are generally not sold directly to consumers but to professional users (i.e. vehicle manufacturers and their authorised workshops) and are already subject to stringent information requirements;

- Member States should carry out regular inspections of pyrotechnic articles on entry into their territory and at storage and manufacturing sites. They should also inform the Commission about their market surveillance activities;

- lastly, the committee introduced a new Module H in Annex II, point 6a, laying down the procedure for full quality assurance.