Basic information

2005/0194(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Protection of consumers: placing on the market and use of pyrotechnic articles, in particular fireworks Repealed by 2011/0358(COD) Amended by 2011/0150(COD) **Subject** 2.10 Free movement of goods 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 4.60.08 Safety of products and services, product liability	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	HASSE FERREIRA Joel (PSE)	07/11/2005

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	ORTUONDO LARREA Josu (ALDE)	23/11/2005

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2793	2007-04-16

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	VERHEUGEN Günter

Key events

Date	Event	Reference	Summary
11/10/2005	Legislative proposal published	COM(2005)0457	Summary

27/10/2005	Committee referral announced in Parliament, 1st reading		
14/09/2006	Vote in committee, 1st reading		Summary
19/09/2006	Committee report tabled for plenary, 1st reading	A6-0289/2006	
29/11/2006	Debate in Parliament		
30/11/2006	Decision by Parliament, 1st reading	T6-0515/2006	Summary
30/11/2006	Results of vote in Parliament		
16/04/2007	Act adopted by Council after Parliament's 1st reading		
23/05/2007	Final act signed		
23/05/2007	End of procedure in Parliament		
14/06/2007	Final act published in Official Journal		

Technical information

Procedure reference	2005/0194(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2011/0358(COD) Amended by 2011/0150(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/6/30959

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE371.984	04/04/2006	
Committee opinion	ITRE	PE370.230	01/06/2006	
Amendments tabled in committee		PE374.171	19/07/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0289/2006	19/09/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0515/2006	30/11/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03671/3/2006	23/05/2007	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0457	11/10/2005	Summary
Commission response to text adopted in plenary	SP(2007)0054	16/01/2007	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0730/2006	17/05/2006	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Directive 2007/0023 OJ L 154 14.06.2007, p. 0001	Summary

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

2005/0194(COD) - 30/11/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Joel Hasse **Ferreira** (PES, PT). (Please see the summary of 14/09/2006.) The report adopted by 565 votes in favour to 22 against with 6 abstentions.

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

2005/0194(COD) - 11/10/2005 - Legislative proposal

PURPOSE: To harmonise the essential safety requirements for placing pyrotechnic articles on the market.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: The 1993 Directive on harmonising provisions relating to the placing on the market and supervision of explosives for civil uses, explicitly excludes pyrotechnic articles from its scope. The purpose of this proposal is to fill the legislative gap by creating coherent and comprehensive Community endorsed provisions on pyrotechnic products. The objective being:

- To ensure the free movement of pyrotechnic products within the EU.
- To improve the overall protection of consumers and professionals.
- To reduce accidents.
- To harmonise the safety requirements applicable in the different Member States.

The current European market for pyrotechnic articles, be they fireworks or articles used for stage effects, distress flares or for the automotive industry, is extremely divergent with Member States free to regulate according to how they see fit. Thus, whilst some Member States have banned fireworks for sale to consumers completely, others have opted for a more flexible approach. Labelling requirements and the classification of pyrotechnic articles is equally varied. Although patchy and incomplete, accident figures indicate that those who have forbidden the sale of fireworks completely to consumers record much lower accident figures than those who have not (Greece about 1 per million compared to 60.1 per million in the UK).

In presenting this proposal the Commission is intending to establish rules designed to achieve the free movement of pyrotechnic articles in the internal market whilst at the same time ensuring a high degree of protection to consumers. In addition, the Directive intends to develop the essential safety requirements necessary for the implementation of recently developed CEN standards on pyrotechnic articles. As such the CE marking will be extended to pyrotechnic articles. A further aim of the Directive is to develop an EU harmonised approach on consumer information vis-a-vis the safe handling and use of what can be potentially dangerous products. Member States are allowed to maintain their own regulations as far as the minimum age and the marketing and use of certain categories of fireworks are concerned. Finally, it should be noted that pyrotechnic articles covered by existing Community legislation (such as marine equipment) do not fall within the scope of the proposed Directive.

As far as any budgetary implications are concerned the Commission foresees no immediate financial impact on the Community's budget. It is possible that at a later date, the proposed establishment of a "Register of European Union registration numbers for pyrotechnic articles", will have budgetary implications on the EU budget. The Commission suggests that this be re-examined as and when the establishment of such a Register is proposed.

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.