Basic information

2011/0358(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Pyrotechnic articles: making available on the market. Recast. 'Goods package' Repealing Directive 2007/23/EC 2005/0194(COD) See also 2007/0029(COD) See also 2007/0030(COD) Amended by 2017/0353(COD) Amended by 2022/0280(COD) **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.40.01 Chemical industry, fertilizers, plastics	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	ROITHOVÁ Zuzana (PPE)	29/11/2011
	Shadow rapporteur SCHALDEMOSE Christel (S&D) MANDERS Antonius (ALDE) RÜHLE Heide (Verts/ALE) FOX Ashley (ECR) SALVINI Matteo (EFD)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
JURI Legal Affairs	SPERONI Francesco Enrico (EFD)	18/10/2012

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3243	2013-06-06

European Commission	Commission DG	Commissioner
	Internal Market, Industry, Entrepreneurship and SMEs	TAJANI Antonio

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
21/11/2011	Legislative proposal published	COM(2011)0764	Summary
30/11/2011	Committee referral announced in Parliament, 1st reading		
06/11/2012	Vote in committee, 1st reading		
15/11/2012	Committee report tabled for plenary, 1st reading	A7-0375/2012	Summary
22/05/2013	Decision by Parliament, 1st reading	T7-0214/2013	Summary
22/05/2013	Results of vote in Parliament		
06/06/2013	Act adopted by Council after Parliament's 1st reading		
12/06/2013	Final act signed		
12/06/2013	End of procedure in Parliament		
28/06/2013	Final act published in Official Journal		

Technical information

Procedure reference	2011/0358(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 2007/23/EC 2005/0194(COD) See also 2007/0029(COD) See also 2007/0030(COD) Amended by 2017/0353(COD) Amended by 2022/0280(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/07931

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee draft report		PE486.095	07/05/2012	
Amendments tabled in committee		PE491.170	07/06/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0375/2012	15/11/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0214/2013	22/05/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00016/2013/LEX	12/06/2013	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0764	21/11/2011	Summary
Commission response to text adopted in plenary	SP(2013)473	26/06/2013	
Follow-up document	SWD(2025)0268	12/09/2025	
Follow-up document	SWD(2025)0269	12/09/2025	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0764	16/01/2012	
Contribution	IT_SENATE	COM(2011)0764	20/02/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0805/2012	28/03/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2013/0029
OJ L 178 28.06.2013, p. 0027

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

2011/0358(COD) - 21/11/2011 - Legislative proposal

PURPOSE: to align Directive 2007/23/EC on the placing on the market of pyrotechnic articles with the new legislative framework, in particular to Decision No 768/2008/EC establishing a common framework for the marketing of products (Goods Package).

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

BACKGROUND: experience with the implementation of Union harmonisation legislation has shown – on a cross-sector scale – **certain weaknesses and inconsistencies in the implementation and enforcement of this legislation**, leading to:

- the presence of non-compliant or dangerous products on the market and consequently a certain lack of trust in CE marking;
- competitive disadvantages for economic operators complying with the legislation as opposed to those circumventing the rules;
- unequal treatment in the case of non-compliant products and distortion of competition amongst economic operators due to different enforcement practices;
- differing practices in the designation of conformity assessment bodies by national authorities;
- problems with the quality of certain notified bodies.

To remedy these horizontal shortcomings in Union harmonisation legislation observed across several industrial sectors, the "**New Legislative Framework**" was adopted in 2008 as part of the goods package. Its objective is to strengthen and complete the existing rules and to improve practical aspects of their application and enforcement. The New Legislative Framework (NLF) consists of two complementary instruments, **Regulation (EC) No 765/2008 on accreditation and market surveillance and Decision No 768/2008/EC establishing a common framework for the marketing of products**.

This proposal relating to the making available on the market of pyrotechnic articles is presented in the framework of the **implementation of the "goods package"** adopted in 2008. It is part of a package of proposals aligning ten product directives to Decision No 768/2008/EC establishing a common framework for the marketing of products.

IMPACT ASSESSMENT: based on the information collected, the Commission carried out an impact assessment which examined and compared three options:

- ***Option 1*** – No changes to the current situation;
- ***Option 2*** – Alignment to the NLF Decision by non-legislative measures;
- ***Option 3*** – Alignment to NLF Decision by legislative measures: this option consists in integrating the provisions of the NLF Decision into the existing directives.

Option 3 was found to be the preferred option for the following reasons: (i) it will improve the competitiveness of companies and notified bodies taking their obligations seriously, as opposed to those cheating on the system; (ii) it will improve the functioning of the internal market by ensuring equal treatment of all economic operators, notably importers and distributors, as well as notified bodies; (iii) it does not entail significant costs for economic operators and notified bodies; (iv) it is considered more effective than option 2: due to the lack of enforceability of option 2 it is questionable that the positive impacts would materialise under that option.

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the alignment to the NLF Decision requires a number of substantive amendments to the provisions of Directive 2007/23/EC. To ensure the readability of the amended text, the technique of **recasting** has been chosen on a more structured use of the recasting technique for legal acts. The proposal does not change the scope of the Directive and the essential safety requirements (apart from one point).

The main elements of the proposal are as follows:

- **Horizontal definitions**: the proposal introduces harmonised definitions of terms which are commonly used throughout Union harmonisation legislation and should therefore be given a consistent meaning throughout that legislation.
- **Obligations of economic operators and traceability requirements**: the proposal clarifies the obligations of manufacturers and introduces obligations for importers and distributors. Importers must verify that the manufacturer has carried out the applicable conformity assessment procedure and has drawn up a technical documentation. They must also make sure with the manufacturer that this technical documentation can be made available to authorities upon request. Furthermore importers must verify that the pyrotechnic articles are correctly marked and accompanied by instructions and safety information. They must keep a copy of the Declaration of conformity and indicate their name and address on the product, or where this is not possible on the packaging or the accompanying documentation. Distributors must verify that the pyrotechnic article bears the CE marking, the name of the manufacturer and of the importer, if relevant, and that it is accompanied by the required documentation and instructions.
- **Harmonised standards**: compliance with harmonised standards provides a presumption of conformity with the essential requirements. On 1 June 2011 the Commission adopted a proposal for a Regulation on European Standardisation that sets out a horizontal legal framework for

European standardisation. The proposal for the Regulation contains inter alia provisions on standardisation requests from the Commission to the European Standardisation Organisations, on the procedure for objections to harmonised standards and on stakeholder participation in the standardisation process. Consequently the provisions of Directive 2007/23/EC which cover the same aspects have been deleted in this proposal for reasons of legal certainty. The provision conferring presumption of conformity to harmonised standards has been modified to clarify the extent of the presumption of conformity when standards only partially cover the essential requirements.

- **Conformity assessment and CE marking**: Directive 2007/23/EC on the placing on the market of pyrotechnic articles has selected the appropriate conformity assessment procedures which manufacturers have to apply in order to demonstrate that their pyrotechnic articles comply with the essential safety requirements. The proposal aligns these procedures to their updated versions set out in the NLF Decision.
- **Notified Bodies**: the proposal reinforces the notification criteria for notified bodies. It clarifies that subsidiaries or subcontractors must also comply with the notification requirements. Specific requirements for notifying authorities are introduced, and the procedure for notification of notified bodies is revised. The competence of a notified body must be demonstrated by an accreditation certificate.
- **Market surveillance and the safeguard clause procedure**: the proposal revises the existing safeguard clause procedure. It introduces a phase of information exchange between Member States, and specifies the steps to be taken by the authorities concerned, when a non-compliant pyrotechnic article is found.

BUDGETARY IMPLICATIONS: this proposal does not have any implications for the EU budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

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**.

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.

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.