

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.