



Notification Number: 2009/699/UK

Pyrotechnics Articles (Safety) Regulations 2010 (“the Regulations”)

Date received : 22/12/2009

End of Standstill : 23/03/2010

Message

Message 001

Communication from the Commission - SG(2009) D/53018

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelerentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2009/0699/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200903018.EN)

1. Structured Information Line

MSG 001 IND 2009 0699 UK EN 23-03-2010 22-12-2009 UK NOTIF 23-03-2010

2. Member State

United Kingdom.

3. Department Responsible

Department for Business, Innovation and Skills

Innovation & Enterprise Group

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3. Originating Department

Department for Business, Innovation and Skills: Consumer and Competition Policy Directorate.

4. Notification Number



2009/699/UK - C10C

5. Title

Pyrotechnics Articles (Safety) Regulations 2010 ("the Regulations")

6. Products Concerned

Pyrotechnic articles, including fireworks, theatrical and other pyrotechnic articles

7. Notification Under Another Act

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8. Main Content

This measure will be the UK implementation of Directive 2007/23/EC on the placing on the market of pyrotechnic articles ("the Pyrotechnics Directive"). The provisions which require to be notified under Directive 98/34/EC are provisions amounting to, or which may amount to, draft technical regulations, but which are permissible under Article 6(2) or other provisions of the Pyrotechnics Directive. In particular, they include or may include the following provisions of the Regulations:-

- a. regulation 10(2) which makes clear that specified provisions in the Regulations apply to category 1, 2 or 3 fireworks which conform to the law of a Member State other than the United Kingdom that implements the Pyrotechnic Directive. The specified provisions of the Regulations which apply to such category 1, 2 or 3 fireworks are regulation 8 (safety obligations of distributors), regulation 14(2), (7) and (11) (requirement to label in English and additional labelling requirement for sparklers), regulation 15 (age limits for supply), regulations 18 and 19 which deal with enforcement and regulation 21 which contains UK prohibitions of specific fireworks (the prohibitions in regulation 21 represent the re-enactment of certain of those prohibitions that are contained in the present Firework (Safety) Regulations 1997 (S.I. 1997/2294) which were notified to the Commission under Directive 83/189),
- b. regulation 14(7) which contains an additional labelling requirement for sparklers, together with a definition in 14(11),
- c. regulation 15 which contains the prohibitions on supply of category 1 fireworks to persons under 16 and for category 2 and 3 for persons under 18,
- d. regulation 21 which sets out prohibitions on specified category 2 and 3 fireworks and schedule 3 which contains definitions of those fireworks,
- e. regulation 28(2) which makes clear that specified provisions in the Regulations apply to category 4, theatrical pyrotechnic articles and to other pyrotechnic articles which conform to the law of a Member State other than the United Kingdom that implements the Pyrotechnic Directive. The specified provisions of the Regulations which apply to such articles are regulation 26 (safety obligations of distributors), regulation 32(2) (requirements to label in English), regulation 34 which prohibits the supply of category 4, category T2 theatrical pyrotechnic articles and category P2 other pyrotechnic articles to persons other than persons with specialist knowledge, and of category P1 and T1 articles to persons under 18 years of age, regulation 34 which contains prohibitions on supply and regulations 37 and 38 which deal with enforcement,
- f. regulations 46, 47 and 49(12 and (13) which set out transitional and savings provisions implementing article 21.5 of the Directive and continuing to apply existing law to articles which are authorised on United Kingdom territory, and
- g. Schedule 5 which includes amendments to Northern Ireland Legislation, which includes certain provisions justified on grounds referred to in Article 6.2. In particular, regulation 4 of the Explosives (Fireworks) Regulations (Northern Ireland) 2002 under which possession, purchase, sale, acquisition, handling or use of fireworks (other than category 1 fireworks) is prohibited except under licence issued by the Secretary of State. An exemption is provided for those in the wholesale and retail trade who are registered or licensed under the



Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006. This provision is justified on the basis that it is necessary in Northern Ireland on grounds of public order, security, safety or environmental protection. In particular the prohibition is justified to minimize and prevent: the use of fireworks as weapons in public order situations; injuries, particularly to the young caused by fireworks; and the indiscriminate use of fireworks in residential and rural areas causing noise-related nuisance and distress to members of the public and animals.

9. Brief Statement of Grounds

The Regulations implement the Pyrotechnics Directive. The provisions referred to in paragraph 8 are justified on the basis that they are necessary on grounds of public order, security or safety. In particular the prohibition on the supply of certain fireworks is required because they present an unacceptable danger to the public and therefore must not be supplied within the UK. The additional labelling requirement in regulation 14(7) is an existing UK rule specific to the use of sparkler fireworks. This seeks to avoid such articles being given to young children who may otherwise be burnt.

10. Reference Documents - Basic Texts

Explosives (Fireworks) Regulations (Northern Ireland) 2002 (S.R. 2002/147), a copy of which is attached in order to enable the amendments in schedule 5 to be understood.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Information on the impact assessment can be found on page 28 of the attached Consultation Document entitled "Consultation on the Pyrotechnic Articles (Safety) Regulations 2009" published in August 2009).

16. TBT and SPS aspects

TBT Aspect

No.

The draft does not have a significant effect on international trade.

SPS Aspect

No.

The draft is not a sanitary or phytosanitary measure.



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