

WRITTEN QUESTION P-3009/03  
by Arlene McCarthy (PSE)  
to the Commission

Subject: Fireworks

Across Europe thousands of people are injured, property is destroyed, animals terrified and money wasted on emergency services responding to a completely preventable danger.

There is no specific Community legislation on the safe use of fireworks. They were explicitly excluded from the scope of Directive 93/15/EEC<sup>1</sup> of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses. The Commission has not been convinced that a Community directive on the marketing and use of fireworks would be a more effective solution in terms of prevention of accidents than rules developed at a local level.

1. The Commission stated in answer to written question P-4053/97<sup>2</sup> that the level and seriousness of accidents depends on local customs for public use of fireworks. Given the discrepancy between Member States on the marketing and use of fireworks, does the Commission agree that a specific Community directive would be more effective in both protecting public health and ensuring a level playing field in the marketing and use of fireworks?
2. Is the Commission not of the view that restricting the sale of fireworks to licensed displays would reduce the discrepancies between states?
3. Some fireworks are more dangerous than others. Fireworks placed on the Community market are subject to Council Directive 92/59/EEC<sup>3</sup> of 29 June 1992 on General Product Safety. Not all Member States share the same position on which products meet this Directive. Would it not be more appropriate if product safety standards were clarified by legislation particular to fireworks?
4. As with all goods that are approved for legal use in one Member State, fireworks are typically able to circulate freely within the Community (Article 28 (ex Article 30) of the EC Treaty). Under Article 30 (ex Article 36) of the EC Treaty, cross-border transfer of fireworks may be prohibited on grounds of public policy or public security. Does the Commission agree that it is easier to illegally import a product into a EU State with tighter product control once it has been legally imported into a Member State with weaker restrictions, than attempting to directly import the banned product from a third-party nation? Thus is it not more suitable to harmonise legislation concerning which fireworks are legal in the EU?
5. What is the Commission doing to stop illegal fireworks being imported into Member States across the EU?

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<sup>1</sup> OJ L 121, 15.5.1993, p. 20.

<sup>2</sup> OJ C 187, 16.6.1998, p. 116.

<sup>3</sup> OJ L 228, 11.8.1992, p. 24.