



speech for the hearing on Tuesday 21 March 2006

Regarding the proposal for a DIRECTIVE OF THE
EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the placing on the market of pyrotechnic articles

IMCO Committee

Amsterdam, 15 March 2006

I thank you for the opportunity to present our point of view, here today.

The European Fireworks Association (EUFIAS) would welcome a Directive establishing a **free inner market** while at the same time ensuring a high level of **protection for consumers**. However EUFIAS is of the opinion the current proposal for the Directive will not meet these ends.

First I would like to give some background information about fireworks. For clarity, where I speak of fireworks I generally mean theatrical pyrotechnics as well.

Fireworks have a long and rich historical, cultural and religious background in Europe. Fireworks are the highlight for many events. Every year about one third of the population in Europe is actively involved in fireworks either by buying or setting off fireworks or by watching displays.

This long and rich history brings huge differences in the perception of fireworks between Member States. Are fireworks exciting or dangerous; are they scary or beautiful; are they fun or a nuisance? Whatever the perception, fireworks are generally accepted and part of society.

Therefore, fireworks can not be treated as just an economic commodity for which benefit and cost can be easily calculated. We estimate there are about 750 professional fireworks companies in Europe. These professional fireworks companies are where persons earn a daily living in fireworks or they have fireworks as one of their main activities. There are probably more than 4,000 natural and legal persons with a licence, certificate and such for manufacture, import/export, sale or professional use of fireworks.

In addition, if the retailing of consumer items is taken into account EUFIAS believes there are over 100,000 companies somehow involved with fireworks during a part of the year. Add those involved with cultural and historical events or performances with fireworks and the numbers will increase manifold. Fireworks are not simply the sum of money coming in and going out.

Furthermore fireworks are a unique combination of pyrotechnic articles intended for entertainment and use by consumers.

All said before will have to be taken into account. The combination of factors makes a careful consideration necessary.

This brings us to the proposed Directive.

We do believe a partially free inner market and a certain level of protection for consumers can be reached by setting minimum safety requirements for the products.

A free inner market should be established for fireworks articles of good quality. There are no justified grounds to block the free movement of these products except for the cultural and historical perception in the different member states.

The current proposal will bring a free inner market only for fireworks of Category 1, except they will still be subject to transport regulations. Category 1 fireworks will be a very limited group of about 5 article groups. It seems an enormous waste of time and energy to implement a Directive that will bring a partially free inner market for such a small group of articles only.

The Standards and categorisation for fireworks, to be developed, should be clear and agreed upon before the Directive is adopted. It is absolutely essential Member States accept and adopt the Standards and categorisation developed under this Directive. If not, the situation for the free inner market will stay exactly the same as it is now.

The proposal, explicitly, includes the possibility for Member States to ban fireworks articles from categories 2 and 3. Since there is no consensus whatsoever on the Standards and categorisation of fireworks among Member States it is very likely they will ban articles in these categories and thus will effectively block the free inner market. Within the CEN the Members States have been not able to reach -unanimous- agreement on harmonized Standards for all categories of fireworks, even after ten years of discussion.

Also the recognition of approval for categorisation and classification deriving from the several regulations regarding fireworks should be undisputed and accepted throughout the European Union. Besides this proposed Directive, the regulations on the transportation of dangerous goods also apply to fireworks.

Furthermore, most Member States have implemented regulations on fireworks into their Explosives law. These Explosives laws differ per Member State and require different approvals, for example for storage. This latter will give Members States limitless possibilities to require additional assessments and to effectively block the free movement of fireworks.

Incidents and accidents do not happen during the sale of fireworks but during the use or, most often, the misuse of fireworks by consumers. Allowing only fireworks of good quality onto the market will, up to a certain level, improve the protection of consumers. Setting minimum age limits for sales will not ensure the protection of consumers.

Therefore the sales and use of fireworks should be left to the Member States and should not be regulated in this directive.

To conclude:

We will support a Directive establishing Standards, ideally by adopting the already developed Standards where applicable, and categorisation for fireworks. But we do believe a Directive under the 'new approach' should not go beyond this.

We have submitted documents with suggestions for a further impact assessment and for amendments. We hope a positive and constructive input from our side will help to come to a Directive establishing a **free inner market** while at the same time ensuring a high level of **protection for consumers**.

We will welcome the opportunity to explain and clarify our concerns and recommendations in more detail during this hearing and in the future.

Thank you.

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