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Committee on Industry, Research and Energy

2005/0194(COD)

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OPINION

of the Committee on Industry, Research and Energy

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council
on the placing on the market of pyrotechnic articles
(COM(2005)0457 – C6-0312/2005 – 2005/0194(COD))

Draftsman: Josu Ortuondo Larrea

PA_Leg

SHORT JUSTIFICATION

This proposed Directive deals with the placing on the market and the use of pyrotechnic articles. Those articles consist on the one hand of fireworks and on the other hand of automotive occupant restraint systems (mainly airbags and seat belts pre-tensioners). The EU market for fireworks is estimated at around € 1½ billion. Automotive occupant restraint systems are placed in approximately 20 million vehicles in the EU each year, which translates into around 80 million airbag systems with a value of some € 3½ billion and around 90 million seat belt pre-tensioners with a value of approximately € 2 billion.

Legislation on the marketing and use of pyrotechnic articles (approval system, consumer restriction, labelling, etc.) is currently determined nationally throughout the EU without mutual recognition of test results, leading to a fragmented market with additional costs for producers and importers and accidents resulting from misuse and malfunction.

In this proposal, the Commission suggest to replace the 25 parallel national approval procedures by one single EU directive with harmonised safety requirements (based on the principle "tested once, accepted everywhere"). Manufacturers and importers will be obliged to comply with these requirements, which in return will give them the right to affix the CE marking and full access to the internal market as a whole. At the same time, taking into account the variety of different national regulations on the marketing and use of fireworks, the proposal leaves the possibility for Member States to maintain their own regulations as far as the minimum age and the marketing and use of certain categories of fireworks are concerned.

In general, your draftsman welcomes the Commission's proposal. It is a good example of deregulation and simplification of legislation. The current legal framework is complex and lacks transparency, leading to a considerable administrative burden on enterprises and unnecessary testing costs (of up to € 25.000 per approval). By striving to create a single market for pyrotechnical articles, the current barriers to trade could be eliminated while ensuring a high level of protection to consumers.

Your draftsman regrets the fact that a truly single market will not be achieved, due to the exceptions made for national regulations on the use and placing on the market of the two main categories of fireworks. However, given the current political spectrum and the different national situations, your draftsman believes that the proposed Directive is a step in the right direction. Never the less, certain amendments could be made in order to make the proposal more workable and in order to create legal certainty.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1
Recital 2

(2) These provisions, being liable to cause barriers to trade within the Community should be harmonised in order to guarantee the free movement of pyrotechnical articles within the internal market whilst ensuring a high level of protection of human health and safety of consumers.

(2) These provisions, being liable to cause barriers to trade within the Community should be harmonised in order to guarantee the free movement of pyrotechnical articles within the internal market whilst ensuring a high level of protection of human health and safety of consumers **and professional end users**.

Justification

Fireworks for professional use (category 4) constitute around half the total EU market for fireworks and the majority of EU fireworks production. Safety of professional users is therefore also of the utmost importance.

Amendment 2
Recital 5

(5) In order to ensure appropriately high levels of protection, pyrotechnic articles should be categorised according to their type of use, **or their purpose and level of hazard**.

(5) In order to ensure appropriately high levels of protection, pyrotechnic articles should be categorised **primarily** according to **their level of hazard as regards** their type of use, purpose **or sound level**.

Justification

There is a need to specify the aspects which determine the level of hazard vis-à-vis consumers since the Directive refers to the placing on the market rather than manufacture and storage of pyrotechnic articles.

Amendment 3
Recital 6

(6) Given the dangers inherent in the use of pyrotechnic articles, it is appropriate to lay

(6) Given the dangers inherent in the use of pyrotechnic articles, it is appropriate to lay

¹ Not yet published in OJ.

down age limits for their sale to consumers and their use, and to ensure that their labelling displays sufficient and appropriate information on safe use, in order to protect human health and safety and the environment. Provision should be made for certain pyrotechnic articles to be made available only to authorised specialists with the necessary knowledge, skills and experience.

down age limits for their sale to consumers and their use, and to ensure that their labelling displays sufficient and appropriate information on safe use, in order to protect human health and safety and the environment. Provision should be made for certain pyrotechnic articles to be made available only to authorised specialists with the necessary knowledge, skills and experience. ***With regard to automotive pyrotechnic articles, labelling requirements should take into account current practices and the fact that the automotive supply industry sells those products to professional users.***

Justification

The articles from the automotive supply industry are sold to professional users (the vehicle manufacturers and their authorised workshops). The delivery batches of articles are accompanied by Safety Data Sheets according to Directive 91/155/EEC where you can find the data required by Article 12 of the Commission proposal and a lot of other data. The automotive supply industry does not see the need to repeat them on the articles or their packaging.

Amendment 4 Recital 7

(7) The use of pyrotechnics and in particular the use of fireworks, is subject to markedly different cultural customs and traditions in different Member States. This makes it necessary to allow Member States to take national measures to limit the use or sale ***of certain categories*** of fireworks to the general public for public security or safety reasons.

(7) The use of pyrotechnics and in particular the use of fireworks, is subject to markedly different cultural customs and traditions in different Member States. This makes it necessary to allow Member States to take ***specific*** national measures to limit the use or sale of ***certain*** fireworks to the general public for public security or safety reasons.

Amendment 5 Recital 10 a (new)

(10a) Fireworks festivals and competitions are not affected by this Directive, except for those being held for marketing purposes.

Justification

In different Member States fireworks festivals are being held, which is an essential part of their culture and tradition. Therefore, it should be clear that these festivals are not affected by this Directive.

Amendment 6 Recital 11

(11) In order to facilitate the process of demonstrating compliance with the essential safety requirements, harmonised standards are being developed related to the design, ***manufacture*** and testing of such articles.

(11) In order to facilitate the process of demonstrating compliance with the essential safety requirements, harmonised standards are being developed related to the design and testing of such articles.

Justification

The Directive does not concern issues relating to manufacture and nor do the standards.

Amendment 7 Recital 12

(12) European harmonised standards are drawn up, adopted and modified by the Committee for European Standardisation (CEN), the Committee for Electro-technical Standardisation (CENELEC) and the European Telecommunication Standards Institute (ETSI). These organisations are recognised as competent for the adoption of harmonised standards, which they draw up in accordance with the general guidelines for co-operation between themselves and the Commission, and with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations.

(12) European harmonised standards are drawn up, adopted and modified by the Committee for European Standardisation (CEN), the Committee for Electro-technical Standardisation (CENELEC) and the European Telecommunication Standards Institute (ETSI). These organisations are recognised as competent for the adoption of harmonised standards, which they draw up in accordance with the general guidelines for co-operation between themselves and the Commission, and with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations.

With regard to the fact that the European automotive supply industry is active worldwide the EU standards shall be preferably based upon or harmonised with international ISO standards.

Justification

The European automotive supply industry sells its products world wide. International ISO standards are preferred to maintain competitiveness. This in line with the recommendations of the High Level Group CARS 21.

Amendment 8 Recital 14

(14) Pyrotechnic articles **should** bear **the** CE marking indicating their conformity with the provisions of this Directive to enable them to move freely within the Community.

(14) ***In order to be placed on the market,*** Pyrotechnic articles **must** bear **a** CE marking indicating their conformity with the provisions of this Directive to enable them to move freely within the Community.

Amendment 9 Recital 15

(15) **As** regards safety in transportation, the rules concerning the transport of pyrotechnic articles are covered by international conventions and agreements, including the United Nations recommendations on the transport of dangerous goods.

(15) ***This Directive shall not have any effect*** **as** regards safety in transportation, ***since*** the rules concerning the transport of pyrotechnic articles are covered by international conventions and agreements, including the United Nations recommendations on the transport of dangerous goods.

Justification

The relevant Community or national legislation, as appropriate, shall continue to apply as regards safety in the manufacture, storage and handling by professionals in the automotive industry or for pyrotechnic displays.

Amendment 10 Article 1, paragraph 4, indent 1

- Pyrotechnic articles intended for use, in accordance with national law, by the armed forces **or** the police;

- Pyrotechnic articles intended for ***non commercial*** use, in accordance with national law, by the armed forces, the police ***or fire departments***;

Justification

Fireworks used for training and specialist use should be exempted from this Directive.

Amendment 11
Article 1, paragraph 4, indent 3

- Pyrotechnic articles intended for use in **aircraft**;

- Pyrotechnic articles intended for use in ***the aerospace industry***;

Justification

This is a more accurate term. The rationale behind the exemption of aircrafts from this Directive (very good track record with respect to accidents with pyrotechnic articles due to very strict control systems), is applicable for the entire aerospace industry.

Amendment 12
Article 1, paragraph 4, indent 4

- ***Pyrotechnic*** articles falling within the scope of Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys;

- ***Percussion caps intended specifically for toys and other*** articles falling within the scope of Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys;

Justification

With its current wording, the Directive would be applicable to percussion caps designed to be used with toys which are already subject to the Directive concerning the safety of toys.

Amendment 13
Article 1, paragraph 4, indent 6

- Ammunitions, meaning projectiles and propelling charges used in ***small arms***, artillery, and other guns.

- Ammunitions, meaning projectiles and propelling charges used in ***portable firearms***, artillery, and other guns.

Justification

Clarification. Internationally, the term "portable firearms" is more common.

Amendment 14
Article 1, paragraph 4, indent 6 a (new)

- ***The storage and transport of pyrotechnic articles.***

Justification

To avoid double legislation, it should be clear that the transport of pyrotechnic articles is exempted from this Directive, since it is sufficiently covered by international conventions and agreements, including the United Nations recommendations on the transport of dangerous goods.

Amendment 15 Article 2, paragraph 1

1. 'Pyrotechnic article' means any **article** containing substances **or a mixture of substances** designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions for both entertainment and other purposes.

1. 'Pyrotechnic article' means any **device or artefact** containing substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions for both entertainment and other purposes.

Amendment 16 Article 2, paragraph 2

2. 'Placing on the market' means the first making available on the Community market of an individual **product intended for end use**, with a view to distribution and/or use, whether in return of payment or free of charge.

2. 'Placing on the market' means the first making available **to third parties** on the Community market of an individual **pyrotechnic article**, with a view to distribution and/or use, whether in return of payment or free of charge.

Justification

Terms "intended for end use" are confusing in the case of automotive pyrotechnic articles. They are currently placed on the market for incorporation in other vehicle systems (airbag modules, seats etc.) then for "end use" in vehicles to protect the vehicle occupants. Performance of these systems including the articles are checked by the type approval Directives on protection against frontal collision, side collision etc.

Amendment 17 Article 2, paragraph 3

3. 'Firework' means pyrotechnic article for entertainment.

3. 'Firework' means pyrotechnic article for entertainment, **leisure use, advertising, stage and cinematic special effects in accordance with the relevant United Nations recommendations and with**

Amendment 18
Article 2, paragraph 4

4. ‘**Automotive** pyrotechnic article’ means **articles** which contain pyrotechnic substances used to activate safety devices or other devices in **motor** vehicles.

4. ‘pyrotechnic article **for vehicles**’ means **the components of an automotive safety device** which contain pyrotechnic substances **and which are** used to activate safety devices or other devices in vehicles.

Justification

Clarification of the text plus deletion of “motor” as such articles may be used on vehicles other than motor vehicles.

Amendment 19
Article 2, paragraph 8

8. ‘Person with specialist knowledge’ means a person authorised by Member States to **possess** and/or use on their territory category 4 fireworks and/or category 2 other pyrotechnic articles as defined in Article 3.

8. ‘Person with specialist knowledge’ means a person authorised by Member States to **handle** and/or use on their territory category 4 fireworks and/or category 2 other pyrotechnic articles as defined in Article 3.

Justification

One does not need to be a 'person with specialist' knowledge to use category 3 articles including in displays. However, a 'person with specialist knowledge' is required for stage effects as covered by other pyrotechnic articles of category 2 both as regards handling and use.

Amendment 20
Article 3, paragraph 1, subparagraph 1

1. Pyrotechnic articles falling within the scope of this Directive shall be categorised by the manufacturer according to **their type of use, or their purpose and** level of hazard. Notified bodies shall confirm the categorisation as part of the conformity assessment procedures according to Article

1. Pyrotechnic articles falling within the scope of this Directive shall be categorised by the manufacturer **or importer** according to **their** level of hazard **including sound level as regards their type of use or purpose**. Notified bodies shall confirm the categorisation as part of the conformity

9. assessment procedures according to Article 9.

Justification

It should be made clear that the danger relates to the use. See recital 6.

Amendment 21

Article 3, paragraph 1, subparagraph 2, point (a)

Category 1: fireworks which present a very low hazard and which are intended for use in confined areas, including **fireworks** which are intended for use inside domestic buildings;

Category 2: fireworks which present a low hazard and which are intended for outdoor use in confined areas;

Category 3: fireworks which present a medium hazard and which are intended for outdoor use in large open areas;

Category 4: fireworks which present a high hazard and which are intended for use by persons with specialist knowledge only, commonly known as “fireworks for professional use”.

Category 1: fireworks which present a very low hazard **and negligible sonic impact** and which are intended for use **by consumers** in **small** confined areas, including **those** which are intended for use inside domestic **or public** buildings **including before an audience**;

Category 2: fireworks which present a low hazard **and low sonic impact** and which are intended for outdoor use **by consumers** in **large** confined areas **including before an audience**;

Category 3: fireworks which present a medium hazard and which are intended for outdoor use **by consumers** in large open areas **as well as for technical purposes in signalling, agriculture or the like**; **The sound level of these articles should not be harmful for human health**;

Category 3 a: pyrotechnic articles which present a medium or high hazard and which are intended for use by persons with specialist knowledge only for indoor use* before a proximate audience.

Category 4: fireworks which present a high hazard and which are intended for use by persons with specialist knowledge only, commonly known as “fireworks for professional use”.

(If this amendment is adopted, the references to these categories will need to be amended throughout the text)

Justification

Account needs to be taken of stage pyrotechnics.

Amendment 22

Article 3, paragraph 1, subparagraph 2, point (b), title

b) **Other** pyrotechnic articles

b) Pyrotechnic articles ***for vehicles and other purposes***

Amendment 23

Article 4, paragraph 3, point (a)

(a) Submit the product to a notified body which will perform a conformity assessment procedure in accordance with Article 9;

(a) Submit the ***details and features of the*** product to a notified body which will perform a conformity assessment procedure in accordance with Article 9;

Amendment 24

Article 5

Member States shall take all appropriate measures to ensure that pyrotechnic articles which fall within the scope of the present Directive may be placed on the market only if they comply with the obligations of this Directive, they bear the EC marking, and they comply with the obligations relating to the conformity assessment.

Member States shall take all appropriate measures to ensure that pyrotechnic articles shall not unduly bear the CE marking.

Member States shall take all appropriate measures to ensure that pyrotechnic articles which fall within the scope of the present Directive may be placed on the market ***and be moved freely within the Community's internal market*** only if they comply with the obligations of this Directive, they bear the EC marking, and they comply with the obligations relating to the conformity assessment.

Member States shall take all appropriate measures to ensure that pyrotechnic articles ***falling within the scope of this Directive*** shall not unduly bear the CE marking.

Amendment 25

Article 6, paragraph 1

1. Member States shall not prohibit, restrict or hinder the placing on the market of pyrotechnic articles which fall within the scope of this Directive and which satisfy the

1. Member States shall not prohibit, restrict or hinder the placing on the market ***and the free movement*** of pyrotechnic articles which fall within the scope of this Directive and

requirements of this Directive.

which satisfy the requirements of this Directive.

Amendment 26
Article 6, paragraph 2

2. The provisions of this Directive shall also not preclude measures by a Member State which are justified on grounds of public security or safety to restrict the use and/or the sale to ***the general public*** of category 2 and 3 fireworks.

2. The provisions of this Directive shall also not preclude measures by a Member State which are justified on grounds of public security or safety to restrict the use and/or the sale to ***consumers*** of category 2 and 3 fireworks.

Amendment 27
Article 6, paragraph 3

3. At trade fairs, exhibitions ***and*** demonstrations for marketing purposes, Member States shall not prevent the showing of pyrotechnic articles not in conformity with the provisions of this Directive, provided that a visible sign clearly indicates their non-conformity and their non-availability for sale until brought into conformity by the manufacturer or ***by his*** authorized representative established within the Community. During such events, appropriate safety measures shall be taken in accordance with any requirements laid down by the competent authority of the Member State concerned in order to ensure the safety of persons.

3. At trade fairs, exhibitions, demonstrations for marketing purposes, ***displays and shows*** Member States shall not prevent the showing of pyrotechnic articles ***exclusively handled by experts even if*** not in conformity with the provisions of this Directive, provided that a visible sign clearly indicates their non-conformity and their non-availability for sale until brought into conformity by the manufacturer, ***importer*** or authorized representative established within the Community. During such events, appropriate safety measures shall be taken in accordance with any requirements laid down by the competent authority of the Member State concerned in order to ensure the safety of persons.

Amendment 28
Article 6, paragraph 4

4. Member States shall not prevent the free movement and use of ***automotive*** pyrotechnic articles manufactured for the purpose of research, development and testing and which are not in conformity with the provisions of this Directive, provided that a visible sign clearly indicates their non-

4. Member States shall not prevent the free movement and use of pyrotechnic articles manufactured for the purpose of research, development and testing and which are not in conformity with the provisions of this Directive, provided that a visible sign clearly indicates their non-conformity and their non-

conformity and their non-availability for sale.

availability for sale.

Justification

Research and development should be encouraged, not only with regard to the automotive pyrotechnic articles, but all articles covered by this Directive.

Amendment 29 Article 7, paragraph 2

2. Member States may increase the age limits under paragraph 1 where justified on grounds of public security or safety. Member States may also lower the age limits for persons vocationally trained or undergoing such training.

2. Member States may increase the age limits under paragraph 1 **only** where justified on grounds of public security or safety. Member States may also lower the age limits for persons vocationally trained or undergoing such training.

Amendment 30 Article 7, paragraph 3

3. Manufacturers and distributors shall not sell or otherwise make available the following pyrotechnic articles except to persons with specialist knowledge only:

- (a) Fireworks of category 4,
- (b) **Other pyrotechnic** articles of category 2.

3. Manufacturers and distributors shall not sell or otherwise make available the following pyrotechnic articles except to persons with specialist knowledge only:

- (a) Fireworks of category 4 **and category 3 a**,
- (b) **Pyrotechnic** articles **for vehicles and other purposes** of category 2.

Amendment 31 Article 8, paragraph 1

1. The Commission may, in accordance with the procedures laid down by Directive 98/34/EC, request the European standardisation bodies to draw up or revise European standards in support of this Directive.

1. The Commission may, in accordance with the procedures laid down by Directive 98/34/EC, request the European standardisation bodies to draw up or revise European standards in support of this Directive **or encourage respective international bodies to draw up or revise international standards.**

Justification

The European automotive supply industry sells its products world wide. International ISO standards are preferred to maintain competitiveness. This in line with the recommendations of the High Level Group CARS 21.

Amendment 32

Article 8, paragraph 3, subparagraph 1

Member States shall consider pyrotechnic articles falling within the scope of this Directive which comply with the relevant harmonised standards, the references of which have been published in the Official Journal of the European Union, to be in conformity with the essential safety requirements referred to in Article 4(1).

Member States shall acknowledge and adopt the harmonised standards which have been published in the Official Journal of the European Union. Member States shall consider pyrotechnic articles falling within the scope of this Directive which comply with the relevant harmonised standards, the references of which have been published in the Official Journal of the European Union, to be in conformity with the essential safety requirements referred to in Article 4(1).

Amendment 33

Article 8, paragraph 4

4. Where a Member State or the Commission considers that the harmonised standards referred to in this Article do not fully satisfy the essential safety requirements referred to in Article 4(1), the Commission or the Member State concerned shall bring the matter before the Standing Committee set up by Directive 98/34/EC, giving its reasons. The Committee shall deliver its opinion without delay. In the light of the Committee's opinion the Commission shall inform the Member States of the measures to be taken regarding the harmonised standards and the publication referred to in paragraph 2.

4. Where a Member State or the Commission considers that the harmonised standards referred to in this Article do not fully satisfy the essential safety requirements referred to in Article 4(1), the Commission or the Member State concerned shall bring the matter before the Standing Committee set up by Directive 98/34/EC, giving its reasons. The Committee shall deliver its opinion without delay, ***in any case within 3 months after the matter has been brought before the Standing Committee if practicable.*** In the light of the Committee's opinion the Commission shall inform the Member States of the measures to be taken regarding the harmonised standards and the publication referred to in paragraph 2.

Justification

A situation where a published standard is questioned is not sustainable for the industry which needs certainty to properly work.

Amendment 34
Article 11, paragraph 1, subparagraph 1

1. After having completed the conformity assessment successfully according to Article 9, manufacturers shall affix the CE marking, in such a way as to be visible, legible and indelible on the pyrotechnic articles themselves or, if this is not possible, on an identification plate attached thereto or, in the last resort, if the first two methods cannot be used, on the packaging. The identification plate must be so designed as to make its reuse impossible.

1. After having completed the conformity assessment successfully according to Article 9, manufacturers shall affix the CE marking, in such a way as to be visible, legible and indelible on the pyrotechnic articles themselves or, if this is not possible, on an identification plate attached thereto or, in the last resort, if the first two methods cannot be used, on the **container or** packaging. The identification plate must be so designed as to make its reuse impossible.

Amendment 35
Article 12, Title

Labelling

Labelling *of articles other than automotive pyrotechnic*

Justification

The articles from the automotive supply industry are sold to professional users (the vehicle manufacturers and their authorised workshops). The rules for their labelling should therefore differ from those of other pyrotechnic articles.

Amendment 36
Article 12, paragraph 2

2. The labelling of pyrotechnic articles shall state as a minimum, the name of manufacturer or *its* authorised representative, the name and type of the article, ***minimum age limits as indicated in Article 7 paragraphs 1 and 2***, the relevant category and instructions for use and, where appropriate, safety distance. Labelling shall ***also refer to the Class/Division (1.1-1.6) of the substance or mixture of substances contained in the article in accordance with***

2. The labelling of pyrotechnic articles shall state as a minimum, the name of manufacturer, ***importer*** or authorised representative, the name and type of the article, the relevant category and instructions for use and, where appropriate, safety distance ***of the audience***. Labelling shall state information on the hazard (mass explosion hazard, projection hazard, blast hazard, fire hazard, ***sonic hazard***), ***the number of the notified body responsible for***

the UN/ADR classification scheme or state comparable information on the hazard (mass explosion hazard, projection hazard, blast hazard, fire hazard).

the conformity assessment of the pyrotechnic article.

Amendment 37
Article 12, paragraph 5

5. The provisions of paragraphs 1 to 4 shall not apply to fireworks of category 4 ***and other pyrotechnic articles of category 2*** which are being ***publicly displayed*** by the manufacturer.

5. The provisions of paragraphs 1 to 4 shall not apply to fireworks of category 4 ***which have not been placed on the market and*** which are being ***used or displayed publicly*** by the manufacturer ***himself***.

Amendment 38
Article 12 a (new)

Article 12a

Labelling of automotive pyrotechnic articles

1. The labelling of pyrotechnic articles shall state as a minimum, the name of manufacturer or its authorised representative, the name and type of the article.

2. If the pyrotechnic article does not provide sufficient space for the labelling requirements referred to in paragraph 1, the information shall be provided on the packaging.

Justification

The articles from the automotive supply industry are sold to professional users (the vehicle manufacturers and their authorised workshops). The delivery batches of articles are accompanied by Safety Data Sheets according to Directive 91/155/EEC where the data required by Article 12 of the Commission's proposal and other data can be found. Hence there is no necessity to repeat this information on the articles or their packaging.

Amendment 39
Article 13, paragraph 1

1. Member States shall take all appropriate

1. Member States shall take all appropriate

measures to ensure that pyrotechnic articles falling in the scope of this Directive 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.

measures to ensure that pyrotechnic articles falling in the scope of this Directive may be placed on the market only if, when properly stored and **in accordance with** their intended purpose, they do not endanger the health and safety of persons.

Amendment 40
Article 20, paragraph 1

1. Member States shall adopt and publish, by [...] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

1. Member States shall **inform the Commission of the bodies appointed in accordance with Article 10 (1) and** adopt and publish, by [...] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. . They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Justification

A time-limit should be put in place for Member States to appoint a Notified body. Otherwise manufacturers would not be able to fully meet the requirements of this Directive and thus place their articles on the market.

Amendment 41
Annex I, point 1

(1) Each pyrotechnic article must attain the performance characteristics specified by the manufacturer to the notified body in order to ensure maximum safety and reliability.

(1) Each pyrotechnic article must attain the performance characteristics specified by the manufacturer, **importer or authorised representative** to the notified body in order to ensure maximum safety and reliability.

Amendment 42
Annex I, letter (b)

(b) The physical and chemical stability of the pyrotechnic article in all normal, foreseeable environmental conditions.

(b) The physical and chemical stability **and resistance** of the pyrotechnic article in all normal, foreseeable environmental conditions.

Amendment 43
Annex I, letter (c)

(c) Sensitiveness to normal, foreseeable handling and transportation.

(c) Sensitiveness to normal, foreseeable handling and transportation. ***During normal handling and transportation, unless specified by the manufacturer's instructions, the pyrotechnic articles should contain the pyrotechnic composition***

Amendment 44
Annex I, letter (k)

(k) During transportation and normal handling, unless specified by the manufacturer's instructions, the pyrotechnic articles should contain the pyrotechnic composition.

deleted

Amendment 45
Annex I, Chapter A, letter (a)

a) The manufacturer shall assign fireworks to different categories according to Article 3 characterised by net explosive content, safety distances, sound level, or similar. The category shall be clearly indicated on the label.

a) The manufacturer shall assign fireworks to different categories according to Article 3 characterised by ***their type of use, purpose level of hazard***, net explosive content, safety distances, sound level, or similar. The category shall be clearly indicated on the label.

Amendment 46
Annex I, Chapter A, letter (c)

c) ***The*** method of ignition must be clearly visible or must be indicated by labelling or instructions.

c) ***Where required, the*** method of ignition must be clearly visible or must be indicated by labelling or instructions.

Amendment 47
Annex I, Chapter C, letter (c)

c) ***Electric*** igniters must be protected against electromagnetic fields under normal,

c) ***Where appropriate, electric*** igniters must be protected against electromagnetic fields

foreseeable conditions of storage and use.

under normal, foreseeable conditions of storage and use.

Amendment 48
Annex I, Chapter C, letter (e)

e) The parameters for the burning times of fuses must be provided with the article.

deleted

PROCEDURE

Title	Proposal for a directive of the European Parliament and of the Council on the placing on the market of pyrotechnic articles
References	COM(2005)0457 – C6-0312/2005 – 2005/0194(COD)]
Committee responsible	IMCO
Opinion by Date announced in plenary	ITRE 27.10.2005
Enhanced cooperation – date announced in plenary	NO
Drafts(wo)man Date appointed	Josu Ortuondo Larrea 23.11.2005
Previous drafts(wo)man	
Discussed in committee	21.2.2006 18.4.2006 30.5.2006
Date adopted	30.5.2006
Result of final vote	+: 43 –: 0 0: 0
Members present for the final vote	John Attard-Montalto, Jan Březina, Philippe Busquin, Jerzy Buzek, Joan Calabuig Rull, Pilar del Castillo Vera, Jorgo Chatzimarkakis, Giles Chichester, Den Dover, Adam Gierek, András Gyürk, Fiona Hall, Erna Hennicot-Schoepges, Ján Hudacký, Romana Jordan Cizelj, Werner Langen, Vincenzo Lavarra, Angelika Niebler, Reino Paasilinna, Umberto Pirilli, Miloslav Ransdorf, Vladimír Remek, Herbert Reul, Teresa Riera Madurell, Mechtilde Rothe, Paul Rübig, Andres Tarand, Britta Thomsen, Patrizia Toia, Catherine Trautmann, Nikolaos Vakalis, Alejo Vidal-Quadras Roca
Substitute(s) present for the final vote	Ivo Belet, Zdzisław Kazimierz Chmielewski, Edit Herczog, Toine Manders, Lambert van Nistelrooij, Josu Ortuondo Larrea, Francisca Pleguezuelos Aguilar, Esko Seppänen
Substitute(s) under Rule 178(2) present for the final vote	Maria Badia I Cutchet, Giovanni Berlinguer, Marco Cappato
Comments (available in one language only)	