

SCHEDULE 19

Amendment of the Pyrotechnic Articles (Safety) Regulations 2015

Insertion of regulations 38A to D

22. After regulation 38 insert—

“Obligations which are met by complying with obligations in the Directive

38A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex to the Directive; and
- (b) “CE marking” has the meaning given to it in Article 3(22); and
- (c) “harmonised standard” has the meaning given to it in Article 3(14).

(2) Paragraph (3) applies where, before placing a pyrotechnic article on the market, the manufacturer—

- (a) ensures that the pyrotechnic article has been designed and manufactured in accordance with the essential safety requirements set out in Annex I;
- (b) ensures that the technical documentation referred to in Annex II has been drawn up;
- (c) ensures that the conformity assessment procedure that applies to that pyrotechnic article in accordance with Article 17 has been carried out;
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (e) affixes a CE marking and other markings, in accordance with Articles 19 and 20(1) to (4);
- (f) draws up an EU declaration of conformity, in accordance with Article 18; and
- (g) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulation 7, 8, 9(1) and 9(3) are to be treated as being satisfied;
- (b) regulations 2(2)(a), 9(2), 10, 13(2) and 38 apply subject to the modifications in paragraph (8);
- (c) Part 3 does not apply; and
- (d) regulations 60(1)(a), (c), (d) and (f) do not apply.

(4) Paragraph (5) applies where, before placing a pyrotechnic article on the market, the importer ensures that—

- (a) the conformity assessment procedure that applies to that pyrotechnic article in accordance with Article 17 has been carried out;
- (b) the manufacturer has drawn up the technical documentation referred to in Annex II; and
- (c) the vessel bears the CE marking and other markings referred to in Article 20(3) to (4).

- (5) Where this paragraph applies—
 - (a) the requirements of regulation 15(a) to (c) are to be treated as being satisfied; and
 - (b) regulations 2(2)(a), 16(1) and 19, and regulation 29 insofar as it relates to importers, apply subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making a pyrotechnic article available on the market, a distributor ensures that the vessel bears the CE marking.
- (7) Where this paragraph applies—
 - (a) regulation 25(1)(a)(i) is to be treated as being satisfied; and
 - (b) regulations 2(2)(a), 26(1), and regulation 29 insofar as it relates to distributors, apply subject to the modifications in paragraph (8).
- (8) The modifications referred to in paragraphs (3)(b), (5)(b) and (9)(b) are that—
 - (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
 - (c) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements referred to in Annex I;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
 - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the pyrotechnic article in accordance with Article 17;
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex II.

Obligations which are met by complying with obligations in the Directive that relate to the registration number

- 38B.**—(1) In this regulation—
- (a) any reference to an Article is a reference to an Article of the Directive; and
 - (b) “registration number” means a number comprising the elements set out in Article 1 of Commission Implementing [Directive 2014/58/EU](#) of 16 April 2014 setting up a system for the traceability of pyrotechnic articles, as it has effect immediately before exit day⁽¹⁾.
- (2) Paragraph (3) applies where, before placing a pyrotechnic article on the market, the manufacturer labels the pyrotechnic article with a registration number in accordance with Article 10(2) or Article 11(1), as applicable.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 11, 12 and 20 apply subject to the modifications in paragraph (8); and
 - (b) regulation 60(1)(f) does not apply.
- (4) Paragraph (5) applies where, before placing a pyrotechnic article on the market, the importer ensures that the pyrotechnic article has been labelled with a registration number in accordance with Articles 10(2) or 11(1), as applicable.

(1) OJ No. L 178, 28.06.2013, p.27.

(5) Where this paragraph applies the requirements of regulation 15(1)(d) and 20 apply subject to the modifications at paragraph (8).

(6) Paragraph (7) applies where, before making a pyrotechnic article available on the market, a distributor verifies that the pyrotechnic article has been labelled with a registration number in accordance with Articles 10(2) or 11(1), as applicable.

(7) Where this paragraph applies the requirements of regulation 25(1)(b) apply subject to the modifications at paragraph (8).

(8) The modifications referred to in paragraphs (3)(a), (5) and (7) are that—

- (a) any reference to “Schedule 3” in regulations 11 or 12 is to be read as a reference to Schedule 3 subject to the modification that, in paragraph 1(d) of that Schedule, the reference to “UK registration number” is to be read as a reference to the registration number; and
- (b) any reference to “UK registration number” is to be read as a reference to the registration number.

Obligations which are met by complying with obligations in the Directive that relate to safety data sheet

38C.—(1) In this regulation “safety data sheet” means a document—

- (a) compiled in accordance with Annex II to Regulation No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency⁽²⁾, as it has effect in EU law immediately before exit day; and
- (b) which takes into account the specific needs of professional users.

(2) Paragraph (3) applies where, before placing a pyrotechnic article for vehicles on the market, the manufacturer draws up a safety data sheet in English.

(3) Where this paragraph applies—

- (a) regulation 12 applies subject to the modification—
 - (i) in paragraph (10); and
 - (ii) that paragraph (4) of that regulation is omitted; and
- (b) regulation 60(1)(f) does not apply.

(4) Paragraph (5) applies where, before placing a pyrotechnic article for vehicles on the market, the importer ensures that the article is accompanied by a safety data sheet in English.

(5) Where this paragraph applies regulation 15 applies subject to the modification that paragraph (2) of that regulation is substituted by the following—

“(2) In paragraph (1)(c)(ii), “required documents” means—

- (a) the documents that are required to be provided with the pyrotechnic article pursuant to regulation 11(6); and
- (b) the safety data sheet.”.

(6) Paragraph (7) applies where, before making a pyrotechnic article for vehicles available on the market, a distributor verifies that the article is accompanied by a safety data sheet in English.

(2) OJ L 396, 30.12.2006, p. 1.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 ISBN 978-0-11-118040-2

(7) Where this paragraph applies regulation 25 applies subject to the modification that paragraph (2) of that regulation is substituted by the following—

“(2) In paragraph (1)(a)(ii), “required documents” means—

- (a) the documents that are required to be provided with the pyrotechnic article pursuant to regulations 11(6) and 17(3)(b); and
- (b) the safety data sheet.”.

(8) Paragraph (9) applies where, before making a pyrotechnic article for vehicles available on the market to a professional user, an economic operator supplies to the professional user a safety data sheet in respect of that article.

(9) Where this paragraph applies regulation 35 applies subject to the modification at paragraph (10).

(10) The modification referred to in sub-paragraphs (3) and (9) is that any reference to a “UK safety data sheet” is to be read as a reference to a safety data sheet.

Conformity assessment procedure obligation which is met by complying with the Directive

38D.—(1) In this regulation any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive.

(2) Paragraph (3) applies where, prior to the manufacture of a pyrotechnic article, the manufacturer ensures that the conformity assessment procedure that applies to that pyrotechnic article in accordance with Article 17(a), referred to as Module B and set out in Annex II, has been carried out.

(3) Where this paragraph applies—

- (a) the requirement in regulation 40(a) to conform to Module B as set out in Annex II is to be treated as being satisfied;
- (b) any reference to “relevant conformity assessment procedure” in regulations 8(a), 9(1), 15(1)(a), 38(1)(b) and 41(b) is to be read as including the conformity assessment procedure referred to in Article 17(1)(a), referred to as Module B and set out in Annex II; and
- (c) any reference to “technical documentation” in regulations 8(b), 10, 15(1)(b) and 19(b) is to be read as including the technical documentation relating to the design of the pyrotechnic article referred to in Module B of Annex II. ”.