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## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations transpose Directive 2013/29/EU of the European Parliament and of the Council of 12th June 2013 on the harmonisation of the laws of member States relating to the making available on the market of pyrotechnic articles (recast) (OJ L 178, 28.6.2013, p.27) (“the Directive”) and Commission Implementing Directive 2014/58/EU setting up a system for the traceability of pyrotechnic articles (OJ L 155, 17.4.2014, p.28).

The Directive repeals and replaces [Directive 2007/23/EC](#) of the European Parliament and of the Council of 23rd May 2007 on the placing on the market of pyrotechnic articles (OJ L 154, 14.06.2007, p.1) which was implemented in the United Kingdom by the Pyrotechnic Articles (Safety) Regulations 2010 ([S.I. 2010/1554](#)) (as amended). These Regulations revoke and replace [S.I. 2010/1554](#).

Regulation 3 defines “pyrotechnic article”. Regulations 4 and 5 provide exceptions allowing the use of pyrotechnic articles which are not in conformity with Part 2 for the purposes of trade fairs, exhibitions, demonstrations, research, testing and development.

Part 2 sets out the obligations of economic operators. Regulations 6 to 13 set out the obligations that are specific to manufacturers. These obligations include ensuring that a pyrotechnic article has been designed and manufactured in accordance with the essential safety requirements set out in Schedule 2, having a relevant conformity assessment procedure carried out before the pyrotechnic article is placed on the market, affixing the CE marking and labelling the pyrotechnic article.

Regulations 14 to 19 set out the obligations that are specific to importers. These obligations include ensuring that they are not placing on the market pyrotechnic articles which are not in conformity with the essential safety requirements, checking that the manufacturer has carried out a relevant conformity assessment procedure and labelled the pyrotechnic articles correctly and indicating on the pyrotechnic article the name and address of the importer.

Regulations 20 to 23 set out the obligations that manufacturers and importers have, but distributors do not. These obligations include maintaining records of the registration numbers assigned to pyrotechnic articles and monitoring pyrotechnic articles which have been placed on the market.

Regulations 24 to 28 set out the obligations that are specific to distributors. These obligations include acting with due care to ensure that pyrotechnic articles are in conformity with Part 2 and checking that the pyrotechnic articles bears the CE marking and are labelled correctly.

Regulations 29 and 30 set out the provisions that apply to importers and distributors, but not to manufacturers. These obligations include an obligation to ensure that the storage and transport of a pyrotechnic article do not jeopardise its conformity with the essential safety requirements.

Regulations 31 to 38 set out obligations that manufacturers, importers and distributors have. These obligations include not making pyrotechnic articles available to persons beneath the minimum age limits. They include not making category F4 fireworks, category T2 theatrical pyrotechnic articles or category P2 other pyrotechnic articles available to persons without specialist knowledge. The meaning of “person with specialist knowledge” is set out in Schedule 4. They also include an obligation to identify other economic operators in the supply chain.

Part 3 sets out provisions concerning the conformity assessment procedure, declarations of conformity and CE marking.

**Status:** This is the original version (as it was originally made).

Part 4 sets out provisions concerning the bodies which carry out conformity assessment procedures under the Regulations.

Part 5 sets out provisions for market surveillance and enforcement. Regulation 52 identifies the market surveillance authority which has an obligation to enforce the Regulations in respect of each category of pyrotechnic article. Regulation 54 and Schedule 7, 8 and 9 provide for the enforcement powers which the enforcing authorities are to have. Regulation 62 provides for the contravention of provisions of these Regulations to be an offence. Regulation 63 sets out the penalties that are to apply for offences under these Regulations.

Part 6 sets out transitional provisions and consequential amendments. Until 5th July 2017, Part 2 will not apply to designs of category F1 firework, F2 firework and F3 firework which were lawfully manufactured or placed on the market before 4th July 2010 or to designs of other categories of pyrotechnic article lawfully manufactured or placed on the market before 4th July 2013. Regulation 75 makes consequential amendments, including to section 31 of the Explosives Act 1875 (c.17).

A transposition note and full impact assessment of the impact that these Regulations will have on the costs of business, the voluntary sector and the public sector are available from the Single Market Product Safety Team, Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET and are also published with the Explanatory Memorandum alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).