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STATUTORY INSTRUMENTS

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**2015 No. 1553**

**The Pyrotechnic Articles (Safety) Regulations 2015**

**PART 2**

Obligations of economic operators

Chapter 6

All economic operators

**Prohibition on making available to persons younger than the minimum age limit**

**31.** An economic operator must not make a pyrotechnic article available on the market in the United Kingdom to a person younger than the following minimum age limits—

- (a) for a Christmas cracker, 12 years;
- (b) for a category F1 firework other than a Christmas cracker, 16 years;
- (c) for a category F2 firework or a category F3 firework, 18 years;
- (d) for a category T1 theatrical pyrotechnic article, 18 years;
- (e) for a category P1 other pyrotechnic article, 18 years.

**Prohibition on making available to persons without specialist knowledge**

**32.** An economic operator must not make available on the market the following pyrotechnic articles, except to a person with specialist knowledge—

- (a) a category F4 firework;
- (b) a category T2 theatrical pyrotechnic article; or
- (c) a category P2 other pyrotechnic article.

**Prohibitions on making available certain category F2 and F3 fireworks**

**33.—(1)** An economic operator must not make available on the market in the United Kingdom a category F2 firework or a category F3 firework of any of the following descriptions—

- (a) an aerial wheel;
- (b) a banger, flash banger or double banger;
- (c) a jumping cracker;
- (d) a jumping ground spinner;
- (e) a spinner;
- (f) a mini rocket;
- (g) a shot tube—
  - (i) which produces a report as its principal effect; or

- (ii) the inside diameter of which is greater than 30mm;
  - (h) a battery containing bangers, flash bangers or double bangers;
  - (i) a combination (other than a wheel) which includes one or more bangers, flash bangers or double bangers.
- (2) Paragraph (1)(b) does not prohibit the making available on the market of a category F2 firework or category F3 firework as part of a wheel.
- (3) Paragraph (1) does not prohibit the making available on the market of a category F2 firework or category F3 firework to a person with specialist knowledge.
- (4) No person who carries on a business involving the making available of fireworks on the market by retail may supply a category F2 firework or category F3 firework which that person—
- (a) has removed or caused to be removed from a selection pack or primary pack; or
  - (b) knows to have been removed from a selection pack or primary pack.

#### **Prohibition on making pyrotechnic articles for vehicles available to members of the general public**

**34.** An economic operator must not make a category P1 pyrotechnic article, which is also a pyrotechnic article for a vehicle (including an airbag or seat belt pre-tensioner system), available to a member of the general public unless the article has been incorporated in a vehicle or a detachable vehicle part.

#### **Supply of safety data sheet**

**35.** When making a pyrotechnic article for a vehicle available on the market to a professional user, an economic operator must supply to the professional user the safety data sheet referred to in regulation 12(3) (labelling of pyrotechnic articles for vehicles)—

- (a) in the language requested by that professional user; and
- (b) on paper or in electronic form, provided that the format chosen is accessible to the professional user.

#### **Translation of declaration of conformity**

**36.—**(1) Before making a pyrotechnic article available on the market, an economic operator must ensure that the EU declaration of conformity is prepared in, or translated into, the language required by the member State in which it is to be made available on the market.

(2) Where the pyrotechnic articles is to be made available on the market in the United Kingdom, the language required is English.

#### **Identification of economic operators**

**37.—**(1) An economic operator (“E”), who receives a request from the market surveillance authority before the end of the relevant period, must, within such period as the authority may specify, identify to the authority—

- (a) any economic operator who has supplied E with a pyrotechnic article; and
  - (b) any economic operator to whom E has supplied a pyrotechnic article.
- (2) The relevant period is—
- (a) for information under paragraph (1)(a), a period of 10 years beginning on the day on which E was supplied with the pyrotechnic article;

- (b) for information under paragraph (1)(b), a period of 10 years beginning on the day on which E supplied the pyrotechnic article.

**Prohibition on improper use of CE marking**

**38.**—(1) An economic operator must not affix the CE marking to a pyrotechnic article unless—

- (a) that economic operator is the manufacturer; and
- (b) the conformity of the pyrotechnic article with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure.

(2) An economic operator must not affix to a pyrotechnic article a marking (other than the CE marking) which purports to attest that the pyrotechnic article is in conformity with the essential safety requirements.

(3) An economic operator must not affix to a pyrotechnic article a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking.

(4) An economic operator must not affix to a pyrotechnic article any other marking if the visibility, legibility and meaning of the CE marking would be impaired as a result.