
STATUTORY INSTRUMENTS

2015 No. 1553

The Pyrotechnic Articles (Safety) Regulations 2015

PART 5

Market surveillance and enforcement

Enforcement action in respect of formal non-compliance

60.—(1) Where an enforcing authority makes one of the following findings relating to a pyrotechnic article, it must require a relevant economic operator to put an end to the non-compliance concerned within a specified period—

- (a) the CE marking—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulations 38 (prohibition on improper use of CE marking) and 42 (CE marking);
- (b) where a notified body is involved in the production control phase for the pyrotechnic article, the identification number of the notified body—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulation 42;
- (c) the EU declaration of conformity—
 - (i) has not been drawn up; or
 - (ii) has been drawn up otherwise than in accordance with regulations 9 (EU declaration of conformity and CE marking) and 41 (EU declaration of conformity);
- (d) the technical documentation is either not available or not complete;
- (e) the following information that is required to be included in the labelling of the pyrotechnic article is absent, false or incomplete—
 - (i) the information specified in paragraph 1(a) and (b) of Schedule 3 (labelling: required information); or
 - (ii) the information specified in regulation 17(1) (information identifying importer); or
- (f) any other administrative requirement imposed on the manufacturer or importer under Part 2 has not been fulfilled.

(2) Until the specified period has elapsed, the enforcing authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the relevant economic operator in respect of the non-compliance concerned.

(3) Where the non-compliance referred to in paragraph (1) persists, the enforcing authority must take appropriate measures to—

- (a) restrict or prohibit the pyrotechnic article being made available on the market;
- (b) ensure that the pyrotechnic article is withdrawn; or

- (c) ensure that the pyrotechnic article is recalled.
- (4) This regulation does not apply where a pyrotechnic article presents a risk.