

Improving the product conformity of pyrotechnic articles within the European Union

The safety and quality of articles entering the European single market is paramount, particularly for pyrotechnic articles, which have inherently dangerous properties.

The existing EU directive on pyrotechnic articles provides for a number of conformity assessment procedures. Manufacturers of pyrotechnical articles must draw up written declarations of conformity; importers must ascertain that this is done. Manufacturers must affix the CE marking to each article, indicating that it complies with the conformity requirements. Notified bodies must check that the conformity assessment procedures are followed correctly. The national authorities of individual member states bear responsibility for designating notified bodies and for oversight of these bodies (or for organising such oversight).

For many years now, a large percentage of the fireworks tested in the Netherlands has not satisfied the requirements. In 2020, 61% of category 1 fireworks ('F1') tested had to be rejected. Although the quality did improve, 20% of category 1 and 2 ('F2') fireworks tested in 2022 still had to be rejected.

In the Netherlands' view, this shows that the functioning of the CE marking system, as currently organised, is inadequate. CE marking is not always the logical outcome of a conformity assessment procedure carried out in the correct way. Members of the public cannot assume that fireworks bearing a CE marking are safe and therefore they run an undue risk when setting off fireworks.

It has been concluded that manufacturers and importers do not sufficiently test the fireworks they bring onto the market. Moreover, most of these tests are carried out by notified bodies in China; oversight of the quality of these laboratories appears to be inadequate.

Cooperation and sharing of information between regulatory bodies within the European Union is important. It can be difficult for these bodies to collaborate efficiently and effectively because the way oversight is organised differs among EU countries.

But stepping up oversight and working together will put regulatory bodies in a stronger position. More uniform and decisive oversight will contribute to a more uniform playing field and safer fireworks on the market.

The Netherlands' ambitions

1. The procedures that result in CE marking provide assurance of the safety and quality of products brought onto the market

Manufacturers and importers are responsible for the products they market. The notified bodies are responsible for ensuring conformity assessment procedures are carried out correctly. It must be possible to effectively recover the costs of safety assurance, relating for instance to the testing of fireworks, from manufacturers. Currently, the product quality assessment procedure (module E) requires the notified body only to be involved in drawing up and approving the

quality system, not in testing the fireworks. Module E should be abolished so that notified bodies are always involved in the testing of fireworks.

2. Strengthen international cooperation and information sharing between regulatory bodies, including by means of a joint testing centre

Closer cooperation between European regulatory bodies is essential for effective market oversight. Stepping up oversight, working together and sharing information gives regulatory bodies a stronger position. Market operators are responsible for the quality of pyrotechnic articles and should be encouraged to improve, in particular, the quality of fireworks intended for consumers. By affixing a CE marking to a product and drawing up a declaration of conformity, a manufacturer or its authorised representative in Europe declares that the product in question complies with EU requirements in the areas of, for instance, safety, health and environmental protection. All EU member states are jointly responsible for ensuring the proper functioning of the CE marking system.

The cost efficiency of this task would be enhanced by working together in a joint testing centre. A European testing centre would also simplify the sharing of information and expertise and lower the threshold for fireworks testing by regulatory bodies. Joint testing will also ensure a uniform approach and uniform interpretation of test results. This will prevent products that are withdrawn from the market in one member state from being brought onto the market in another member state. It is important that member states' regulatory bodies are not dependent on a notified body and its testing facilities in assessing the conformity of fireworks.