



Modify the pyrotechnics Directive for the sake of public order and safety

Introduction

The illegal trade and misuse of professional (explosive) fireworks pose a significant safety concern, acknowledged in the Netherlands as a factor contributing to substantial safety issues. This position paper presents recommendations aimed at public order, safety enhancement, and strengthening the approach to combating the illicit trade and misuse of professional (explosive) fireworks.

Rationale

In recent years in the Netherlands, there has been a notable increase in the use of explosives that are not manufactured with the precursors outlined in the precursor regulation.¹ Instead, they are produced using gunpowder or flash powder from professional explosive fireworks, particularly utilizing flash bangers such as the well-known cobras. These explosives, manufactured in this manner, can contain highly powerful charges that react as mass explosives. These explosives are frequently employed in criminal activities, including attempted murder/homicide, attacks, smash-and-grab burglaries, threats, and arson, all linked to criminal groups and organized crime. This issue transcends national borders as well.

The problem of the misuse of professional explosive fireworks encompasses three main aspects:

1. Professional (explosive) fireworks are not only more accessible but also easier to handle compared to Home Made Explosives (HME), such as the highly sensitive triacetone triperoxide (TATP). The amount of flash powder in such professional (explosive) fireworks and the explosive power of flash powders pose a potential threat to national security and terrorism. According to the Threat Assessment Environmental Crime 2021, firework-related crime is increasingly intertwined with other forms of criminal activity, such as drug trafficking. Fireworks criminals make use of legal payment systems, online platforms, and the infrastructure of the Netherlands. The illegal trade in professional fireworks is, therefore, seriously undermining.
2. Various types of professional (explosive) fireworks such as flash bangers can be manufactured without limits under the guise of professional use. However, in both the Netherlands and elsewhere, professionals know little or no applications professional explosive fireworks. In practice, we learn that the quantity of explosive charge in flash bangers is consistently increasing. More often the amount of explosive charge is more than 100 grams NEM.² Additionally, flash bangers with an explosive charge exceeding 700 grams are no longer exceptional.
3. In addition to criminal activities, the use of professional (explosive) fireworks (Category F4) has led to disturbances in public order, hazardous situations due to improper storage, accidents resulting from improper handling with severe and fatal consequences, and property damage. Furthermore, professional explosive fireworks are deployed against our first responders.

Finally, the Threat Assessment Environmental Crime 2021 anticipates an increasing demand and quantity of high-grade fireworks (higher explosive value) in the future, an increase in the misuse of explosive fireworks (increased usage in other forms of criminal activity), and an increase in digital trade. This is evident in the quantity of illegal fireworks confiscated in the Netherlands. Whereas in 2019, 61.000 kilograms were confiscated, in 2022, this has surged to over eleven times that amount, reaching 684.000 kilograms. To counter this growing trend, the Netherlands is proposing several potential solutions.

Dutch ambitions

1. Ban on Flash Bangers

The misuse of flash bangers and ground salutes (1.1G materials) by organized crime gives rise to the significant safety issues mentioned earlier. Products with limited demand within the professional fireworks industry are currently being produced, imported, transported, and traded, partially to cater to organized crime. A ban on the production of professional (explosive) fireworks such as flash bangers is necessary to combat their misuse by organized crime and to protect society.

¹ Regulation (EU) 2019/1148.

² This means that heavier professional fireworks are not, in principle, prohibited: they fall under category F4, which has no maximum limit. However, it is likely that a portion of these heavy fireworks are produced illegally due to the absence of the (correct) name in contact information of the manufacturer, importer or distributor, as well as the (proper) CE certification.



2. Maximizing Permissible Amount of Gunpowder

In addition to the ban on the production of certain types of fireworks, we call for a legally set limit on the amount of gunpowder or flash powders allowed in pyrotechnic articles from categories, F3, F4, T1, T2, P1 and P2. Presently, there is no prescribed maximum limit on the quantity of gunpowder or flash powder in the Pyrotechnics Directive.

3. Utilizing Tools from Other Directives, such as Directive 2014/28

To enhance the transparency of trade flows and, in turn, improve the tools for enforcement against illegal trade, it should be possible in the future to employ the safeguards and conditions (such as a verification and registration system) as outlined in Directive 2014/28. Ideally, this information should be recorded in a centralized system accessible to supervisory authorities in various member states.

4. Implementation of the Pyro-Pass Across the Entire EU

The introduction of the pyro-pass not only streamlines the internal market, but also obstructs the diversion of fireworks into the illegal market. Through the pyro-pass, market participants are required to verify whether individuals purchasing specific types of pyrotechnic articles possess the required specialised knowledge. Furthermore, it provides competent authorities with an additional tool to address vendors deliberately selling fireworks to non-professionals.