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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 4

Distributors

**Duty to act with due care**

**24.** When making a pyrotechnic article available on the market, a distributor must act with due care to ensure that it is in conformity with Part 2.

**Requirements which must be satisfied before a distributor makes a pyrotechnic article available on the market**

**25.—**(1) Before making a pyrotechnic article available on the market, the distributor must verify that—

- (a) the pyrotechnic article—
  - (i) bears the CE marking;
  - (ii) is accompanied by the required documents;
  - (iii) is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users in the member State in which the pyrotechnic article is to be made available on the market;
- (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of pyrotechnic articles other than pyrotechnic articles for vehicles) and 12 (labelling of pyrotechnic articles for vehicles); and
- (c) the importer has complied with the requirements set out in regulation 17 (information identifying importer).

(2) In paragraph (1)(a)(ii), “required documents” means the documents that are required to be provided with the pyrotechnic article pursuant to—

- (a) regulation 11(6);
- (b) regulation 17(3)(b); and
- (c) regulation 35 (supply of safety data sheet).

**Prohibition on making available on the market where pyrotechnic article not considered to be in conformity with the essential safety requirements**

26.—(1) Where a distributor considers, or has reason to believe, that a pyrotechnic article is not in conformity with the essential safety requirements, the distributor must not make the pyrotechnic article available on the market.

(2) Where the pyrotechnic article presents a risk, the distributor must inform the following persons of the risk—

- (a) the manufacturer or the importer; and
- (b) the market surveillance authority.

**Duty to take action in respect of pyrotechnic articles made available on the market which are not in conformity**

27.—(1) A distributor who considers, or has reason to believe, that a pyrotechnic article which the distributor has made available on the market is not in conformity with Part 2 must make sure that the necessary corrective measures are taken to—

- (a) bring that pyrotechnic article into conformity;
- (b) withdraw the pyrotechnic article; or
- (c) recall the pyrotechnic article.

(2) Where the pyrotechnic article presents a risk, the distributor must immediately inform the market surveillance authority, and the competent national authorities of the other member States in which the distributor has made the pyrotechnic article available on the market, of that risk, giving details of—

- (a) the respect in which the pyrotechnic article is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

**Provision of information and cooperation**

28.—(1) A distributor must, further to a reasoned request from an enforcing authority and within such period as the authority may specify, provide the authority with the information and documentation, in paper or electronic form, necessary to demonstrate that the pyrotechnic article is in conformity with Part 2.

(2) A distributor must, at the request of the enforcing authority, cooperate with the authority on any action taken to—

- (a) evaluate a pyrotechnic article in accordance with regulation 56 (evaluation of pyrotechnic articles presenting a risk); and
- (b) eliminate the risks posed by a pyrotechnic article which the distributor has made available on the market.