

TRANSPOSITION NOTES

Directive 2013/29/EU of the European Parliament and of the Council on the harmonisation of the law of Member States relating to the making available on the market of pyrotechnic articles (recast)

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
1	States high-level objectives of the Directive.	No implementation required in national legislation. The policy objectives of the legislation are set out in the Explanatory Memorandum.
2(1)	The Directive applies to pyrotechnic articles.	Regulation 3(1)
2(2)	Pyrotechnic articles that are not within the scope of the Directive.	Regulation 3(2)
3	Definitions	Regulations 2, 3(2)(g) and Schedule 4
4(1)	Obligation not to obstruct free movement of pyrotechnic articles which satisfy requirements of the Directive.	Unnecessary to implement this requirement explicitly. This provision is implemented by ensuring that domestic legislation does not obstruct free movement.
4(2)	Directive permits Member States to take measures which obstruct free movement which are justified on the grounds of public order, security, health and safety or environmental protection.	Unnecessary to implement this provision explicitly. This provision is implemented by using the freedom provided to take domestic measures which obstruct free movement.
4(3)	Exception from the Directive allowing showing and use of pyrotechnic articles at trade fairs, exhibitions and demonstrations for marketing purposes.	Regulation 4, and Part 1 of the Health and Safety at Work etc. Act 1974
4(4)	Exception from the Directive allowing free movement of pyrotechnic articles for the purpose of research, development and testing.	Regulation 5
5	Member States must take all appropriate measures to ensure that pyrotechnic articles are only made available on the market if they satisfy the requirements of the Directive.	Unnecessary to implement this provision explicitly. This obligation is implemented by implementing the substantive obligations in the Directive and ensuring that they are enforced.
6(1)	Pyrotechnic articles must be categorised by the manufacturer and notified bodies must confirm that categorisation.	Regulation 6
6(1)(a), (b) and (c)	Definitions of the categories of pyrotechnic article.	Schedule 1, paragraphs 1 to 8
6(2)	Member States must inform the Commission of the procedures for identifying and authorising persons with specialist knowledge.	Schedule 4

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
7(1)	Pyrotechnic articles cannot be made available to persons below the minimum age limits.	Regulation 31
7(2)	Member States may increase the minimum age limits where justified on the grounds of public order, security or health and safety. Member States can also lower age limits for persons with vocational training.	Regulation 31
7(3)	Economic operators must not make certain categories of pyrotechnic article available to persons who do not have specialist knowledge.	Regulation 32
7(4)	Economic operators must not make pyrotechnic articles for vehicles available to members of the general public unless incorporated in a vehicle or detachable vehicle part.	Regulation 34
8(1)	Manufacturer must ensure that pyrotechnic articles have been designed and manufactured in accordance with the essential safety requirements.	Regulation 7
8(2)	<p><u>Obligation 1:</u> Manufacturers must draw up technical documentation and have a relevant conformity assessment procedure carried out.</p> <p><u>Obligation 2:</u> Once a pyrotechnic articles has, by means of a relevant conformity assessment, been demonstrated to be in conformity with the essential safety requirements, the manufacturer must draw up an EU declaration of conformity and affix the CE marking.</p>	<p><u>Obligation 1:</u> Regulation 8</p> <p><u>Obligation 2:</u> Regulation 9</p>
8(3)	Manufacturers must keep technical documentation and EU declaration of conformity for 10 years after pyrotechnic article placed on the market	Regulation 10
8(4)	<p><u>Obligation 1:</u> Manufacturers must ensure that procedures are in place to ensure that pyrotechnic articles manufactured by series production remain in conformity with the requirements of the Directive.</p> <p><u>Obligation 2:</u> Changes in design, characteristics or harmonised standards must be adequately taken into account.</p>	<p><u>Obligation 1:</u> Regulation 13(1)</p> <p><u>Obligation 2:</u> Regulation 13(2)</p> <p><u>Obligation 3:</u> Regulation 21</p> <p><u>Obligation 4:</u> Regulation 21(1)(c)</p>

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	<p><u>Obligation 3:</u> When deemed appropriate with regard to the risks presented by a pyrotechnic article, manufacturers must, upon a duly justified request of a competent authority carry out certain monitoring activities and keep a register.</p> <p><u>Obligation 4:</u> Manufacturers must keep distributors informed of monitoring activities.</p>	
8(5)	Manufacturers must ensure that pyrotechnic articles are properly labelled.	Regulations 11 and 12, and Schedule 3.
8(6)	Manufacturers must indicate their name and postal address on pyrotechnic articles in a language easily understood by end-users and market surveillance authorities. Where it is not possible to do this, the information must be put on packaging or in a document accompanying the article.	Regulation 11(2), (3), (5) and (6) and Schedule 3, paragraphs 1(a) and (b)
8(7)	Manufacturers must ensure that a pyrotechnic article is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users as determined by the Member State concerned.	Regulation 11(1), (2), (4) and (5) and Schedule 3, paragraphs 1(f) and 2 to 5.
8(8)	<p><u>Obligation 1:</u> Manufacturers who consider or have reason to believe that they have placed on the market a pyrotechnic article not in conformity with the Directive must immediately take corrective action to bring that pyrotechnic article into conformity, to withdraw it or recall it.</p> <p><u>Obligation 2:</u> Where a pyrotechnic article presents a risk, manufacturers must immediately inform the competent national authorities of the Member States in which the article has been made available to that effect, giving details of the non-compliance and any corrective measures taken.</p>	<p><u>Obligation 1:</u> Regulation 22(1)</p> <p><u>Obligation 2:</u> Regulations 22(2) and 2(5)</p>
8(9)	<u>Obligation 1:</u> Manufacturers must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a	<p><u>Obligation 1:</u> Regulation 23(1)</p> <p><u>Obligation 2:</u> Regulations 23(2)(b) and 2(5)</p>

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	<p>pyrotechnic article with the Directive in a language which can be easily understood by the market surveillance authority.</p> <p><u>Obligation 2:</u> Manufacturers must cooperate with the authority on action taken to eliminate risks posed by pyrotechnic articles placed on the market.</p>	
9(1)	<p><u>Obligation 1:</u> Manufacturers must label pyrotechnic articles with a registration number assigned by the notified body.</p> <p><u>Obligation 2:</u> The numbering must be done in accordance with a uniform system of numbering determined by the Commission.</p>	<p><u>Obligation 1:</u> Regulation 11(2), 12(1)(c) and Schedule 3, paragraph 1(d)</p> <p><u>Obligation 2:</u> Regulation 2(1) and paragraph 5(a) of Schedule 6</p>
9(2)	Manufacturers must maintain records of registration numbers of pyrotechnic articles they make available on the market and must make this information available to the relevant authorities upon request.	Regulation 20(1)
10(1)	Manufacturers must ensure that pyrotechnic articles are labelled visibly, legibly and indelibly in the official language of the Member State in which the pyrotechnic article is made available to the consumer. Such labelling must be clear, understandable and intelligible.	Regulation 11(1)
10(2)	Minimum labelling requirements.	Regulations 11(2), and Schedule 3, paragraphs 1 and 5
10(3)	Minimum labelling for fireworks to include additional warnings concerning use and minimum safety distances.	Regulation 11(2) and Schedule 3, paragraph 2
10(4)	Minimum labelling for theatrical pyrotechnic articles to include additional warnings concerning use and minimum safety distances.	Regulation 11(2) and Schedule 3, paragraph 4
10(5)	If a pyrotechnic article doesn't provide sufficient space for the labelling requirements, the information must be provided on the smallest piece of packaging.	Regulation 11(6) and (7)
11(1)	Minimum labelling for pyrotechnic articles for vehicles.	Regulation 12(1)
11(2)	If the pyrotechnic articles for a vehicle does not provide sufficient space for the labelling requirements, the information	Regulation 12(2)

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	must be provided on the packaging.	
11(3)	<p><u>Obligation 1:</u> A safety data sheet must be compiled which takes into account the specific needs of professional users and must be supplied to those users in a language requested by them.</p> <p><u>Obligation 2:</u> The safety data sheet may be supplied on paper or electronically, provided that the professional user has the necessary means of accessing it.</p>	<p><u>Obligation 1:</u> Regulations 12(3) and (4) and 35</p> <p><u>Obligation 2:</u> Regulation 35(b)</p>
12(1)	Importers must place only compliant pyrotechnic articles on the market.	Regulation 14
12(2)	<p><u>Obligation 1:</u> Before an importer places a pyrotechnic article on the market, he must ensure that the manufacturer has satisfied certain obligations and that the article is accompanied by the required documents.</p> <p><u>Obligation 2:</u> Where an importer considers, or has reason to believe, that a pyrotechnic article is not in conformity with the essential safety requirements he must not place it on the market.</p> <p><u>Obligation 3:</u> Where the pyrotechnic article presents a risk, the importer must inform the manufacturer and the market surveillance authorities.</p>	<p><u>Obligation 1:</u> Regulation 15</p> <p><u>Obligation 2:</u> Regulation 16(1)</p> <p><u>Obligation 3:</u> Regulations 16(2) and 2(5)</p>
12(3)	<p><u>Obligation 1:</u> Importers must indicate their name and address on the pyrotechnic article.</p> <p><u>Obligation 2:</u> If that is not possible, the information must be indicated on the packaging or in an accompanying document.</p> <p><u>Obligation 3:</u> The information must be in a language which can be easily understood by end-users and market surveillance authorities.</p>	<p><u>Obligation 1:</u> Regulation 17(1)</p> <p><u>Obligation 2:</u> Regulation 17(3)</p> <p><u>Obligation 3:</u> Regulation 17(2)</p>
12(4)	Importers must ensure that a pyrotechnic article is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users, as determined by the	Regulation 18

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	Member State concerned.	
12(5)	Importers must ensure that while a pyrotechnic article is under their responsibility, they do not jeopardise its compliance with the essential safety requirements.	Regulation 29
12(6)	<p><u>Obligation 1:</u> When deemed appropriate with regard to the risks presented by a pyrotechnic article, importers must, upon a duly justified request of a competent authority carry out certain monitoring activities and keep a register.</p> <p><u>Obligation 2:</u> Importers must keep distributors informed of monitoring activities.</p>	<p><u>Obligation 1:</u> Regulation 21</p> <p><u>Obligation 2:</u> Regulation 21(1)(c)</p>
12(7)	<p><u>Obligation 1:</u> Importers who consider or have reason to believe that they have placed on the market a pyrotechnic article not in conformity with the Directive must immediately take corrective action to bring that pyrotechnic article into conformity, to withdraw it or recall it.</p> <p><u>Obligation 2:</u> Where a pyrotechnic article presents a risk, importers must immediately inform the competent national authorities of the Member States in which the article has been made available to that effect, giving details of the non-compliance and any corrective measures taken.</p>	<p><u>Obligation 1:</u> Regulation 22(1)</p> <p><u>Obligation 2:</u> Regulations 22(2) and 2(5)</p>
12(8)	Importers must keep the technical documentation and a copy of the EU declaration of conformity for 10 years after the pyrotechnic article is placed on the market.	Regulation 19
12(9)	<p><u>Obligation 1:</u> Importers must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a pyrotechnic article with the Directive in a language which can be easily understood by the market surveillance authority.</p> <p><u>Obligation 2:</u> Importers must cooperate</p>	<p><u>Obligation 1:</u> Regulation 23(1)</p> <p><u>Obligation 2:</u> Regulations 23(2) and 2(5)</p>

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	with the authority on action taken to eliminate risks posed by pyrotechnic articles placed on the market.	
13(1)	When making a pyrotechnic article available on the market, distributors must act with due care.	Regulation 24
13(2)	<p><u>Obligation 1:</u> Before a distributor makes a pyrotechnic article available on the market, he must ensure that the manufacturer and importer have satisfied certain obligations and that the article is accompanied by the required documents.</p> <p><u>Obligation 2:</u> Where a distributor considers, or has reason to believe, that a pyrotechnic article is not in conformity with the essential safety requirements he must not make it available on the market.</p> <p><u>Obligation 3:</u> Where the pyrotechnic article presents a risk, the distributor must inform the manufacturer or the importer and the market surveillance authorities.</p>	<p><u>Obligation 1:</u> Regulation 25</p> <p><u>Obligation 2:</u> Regulation 26(1)</p> <p><u>Obligation 3:</u> Regulations 26(2) and 2(5)</p>
13(3)	Distributors must ensure that while a pyrotechnic article is under their responsibility, they do not jeopardise its compliance with the essential safety requirements.	Regulation 29
13(4)	<p><u>Obligation 1:</u> Distributors who consider, or have reason to believe, that a pyrotechnic article which they have made available on the market is not in conformity must make sure that corrective measures are taken to bring that article into conformity, withdraw it or recall it.</p> <p><u>Obligation 2:</u> Where the pyrotechnic article presents a risk, the distributor must immediately inform the competent national authorities of the Member States in which they made the pyrotechnic article available.</p>	<p><u>Obligation 1:</u> Regulation 27(1)</p> <p><u>Obligation 2:</u> Regulation 27(2)</p>
13(5)	<u>Obligation 1:</u> Distributors must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a pyrotechnic article	<p><u>Obligation 1:</u> Regulation 28(1)</p> <p><u>Obligation 2:</u> Regulation 28(2)</p>

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	with the Directive <u>Obligation 2:</u> Distributors must cooperate with the authority on action taken to eliminate risks posed by pyrotechnic articles made available on the market.	
14	Importers and distributors to be treated as manufacturers where they place a pyrotechnic article on the market under their name or modify it in a way that affects its compliance with the Directive.	Regulation 30
15	Economic operators must, on request identify other economic operators in the supply chain. They must be able to do this for 10 years after the supply of a pyrotechnic article occurs.	Regulation 37
16	Pyrotechnic articles presumed to be in conformity with the essential safety requirements to the extent that they are in conformity with a harmonised standard covering those requirements.	Regulation 39
17	For the assessment of conformity of pyrotechnic articles the manufacturer must follow one of the listed procedures.	Regulation 40
18(1)	The EU declaration of conformity must state that the fulfilment of the essential safety requirements has been demonstrated	Regulation 41(a)
18(2)	<u>Obligation 1:</u> The EU declaration of conformity must have the model structure set out in Annex III of the Directive. <u>Obligation 2:</u> The EU declaration of conformity must contain the elements specified in the relevant modules set out in Annex II of the Directive. <u>Obligation 3:</u> The EU declaration of conformity must be continuously updated. <u>Obligation 4:</u> The EU declaration of conformity must be translated into the language required by the Member State in which the pyrotechnic article is placed or made available on the market.	<u>Obligation 1:</u> Regulation 41(c) <u>Obligation 2:</u> Regulation 41(b) <u>Obligation 3:</u> Regulation 9(2) <u>Obligation 4:</u> Regulation 36
18(3)	<u>Obligation 1:</u> Where a pyrotechnic article is subject to more than one Union act	<u>Obligation 1:</u> Regulation 9(3)

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	<p>requiring an EU declaration of conformity, a single declaration must be drawn up.</p> <p><u>Obligation 2:</u> The declaration must contain the identification of the Union acts concerned.</p>	<u>Obligation 2:</u> Regulation 9(3)
18(4)	By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the pyrotechnic article with the requirements of the Directive.	<p>It is unnecessary to implement this requirement.</p> <p>The manufacturer has a clear set of obligations under the Regulations, which each have their own trigger points (such as placing on the market). This Article does not give any indication of what is meant by “assumes responsibility” and is considered, therefore, not to add anything to the concrete obligations found elsewhere in the Directive.</p>
19	The CE marking is subject to the general principles in Article 30 of Regulation (EC) No 765/2008.	Regulation 38
20(1)	<p><u>Obligation 1:</u> The CE marking must be affixed visibly, legibly and indelibly to the pyrotechnic article.</p> <p><u>Obligation 2:</u> Where that is not possible or not warranted on account of the nature of the pyrotechnic article, it must be affixed to the packaging and to the accompanying documents.</p>	<p><u>Obligation 1:</u> Regulation 42(1)</p> <p><u>Obligation 2:</u> 42(2)</p>
20(2)	The CE marking must be affixed before the pyrotechnic article is placed on the market.	Regulation 9(1)
20(3)	<p><u>Obligation 1:</u> The CE marking must be followed by the identification number of the notified body, where that body is involved in the production control phase.</p> <p><u>Obligation 2:</u> The identification number must be affixed by the body itself, or under its instruction, by the manufacturer.</p>	<p><u>Obligation 1:</u> Regulation 42(3)</p> <p><u>Obligation 2:</u> Regulation 42(4)</p>
20(4)	The CE marking may be followed by any other mark indicating a special risk or use	It is not necessary to implement this Article. This is a permissive provision, which is unnecessary in the absence of a relevant prohibition.
20(5)	Member States must build on existing mechanisms to ensure correct application	Regulation 38

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	of the regime governing CE marking and must take appropriate action in the event of improper use.	
21	Member States must notify the Commission and other Member States of bodies authorised to carry out third-party conformity assessment tasks.	Regulations 43(1) and 40
22(1)	Member States must designate a notifying authority which is to be responsible for assessment and notification of conformity assessment bodies and the monitoring of notified bodies.	Regulations 44, 47, 49 and 51
22(2)	Member States may decide that the assessment and monitoring is to be carried out by a national accreditation body.	Regulation 48
23(1)	A notifying authority must be established in such a way that no conflict of interest with conformity assessment bodies occurs.	It is not necessary to implement this explicitly. The Secretary of State does not have a conflict of interest with conformity assessment bodies.
23(2)	A notifying authority must be organised and operated so as to safeguard the objectivity and impartiality of its activities.	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by operating in an objective and impartial manner.
23(3)	A notifying authority must be organised so that each decision on notification is taken by competent persons, different from those who carried out the assessment.	It is not necessary to implement this explicitly. It is expected that the United Kingdom Accreditation Service will carry out the assessment and the Secretary of State (operating through his officials) will decide on notification.
23(4)	A notifying authority must not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.	It is not necessary to implement this explicitly. This obligation will be satisfied by the Secretary of State not performing such services on a commercial or competitive basis
23(5)	A notifying authority must safeguard the confidentiality of the information it obtains.	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by maintaining confidentiality.
23(6)	A notifying authority must have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.	It is not necessary to implement this explicitly. The Secretary of State will satisfy this obligation by ensuring that he has a sufficient number of competent personnel to perform his tasks.
24	Member States must inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of	Regulations 44(7) and 47(2)

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	notified bodies.	
25(1)	For the purposes of notification, a conformity assessment body must meet the requirements in paragraphs 2 to 11.	Regulation 44(4)
25(2)	A conformity assessment must be established under the national law of a Member State and have legal personality.	Schedule 5, paragraph 1
25(3)	A conformity assessment body must be third-party body independent of the organisation or the pyrotechnic article it assesses.	Schedule 5, paragraph 2
25(4)	<p><u>Obligation 1:</u> A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be the designer, manufacturer, supplier, owner etc. of the pyrotechnic articles.</p> <p><u>Obligation 2:</u> A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be directly involved in the design, manufacture, marketing etc. of the pyrotechnic articles. They must not engage in any activity which may conflict with their independence or integrity.</p> <p><u>Obligation 3:</u> Conformity assessment bodies must ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.</p>	<p><u>Obligation 1:</u> Schedule 5, paragraph 3</p> <p><u>Obligation 2:</u> Schedule 5, paragraphs 4 and 5</p> <p><u>Obligation 3:</u> Schedule 5, paragraph 6</p>
25(5)	Conformity assessment bodies must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence and must be free from pressures and inducements which might influence their judgement.	Schedule 5, paragraph 7
25(6)	<u>Obligation 1:</u> A conformity assessment body must be capable of carrying out the conformity assessment tasks assigned to it and in relation to which it has been notified.	<p><u>Obligation 1:</u> Schedule 5, paragraph 8</p> <p><u>Obligation 2:</u> Schedule 5, paragraph 9</p> <p><u>Obligation 3:</u> Schedule 5, paragraph 10</p>

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	<p><u>Obligation 2:</u> A conformity assessment body must have at its disposal: (a) personnel with technical knowledge and sufficient experience; (b) the descriptions of procedures in accordance with which conformity assessment is carried out; (c) the procedure for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, the degree of complexity of the product technology etc.</p> <p><u>Obligation 3:</u> A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner.</p>	
25(7)	The personnel responsible for carrying out conformity assessment tasks must have: (a) sound technical and vocational training covering all the relevant conformity assessment activities; (b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority; (c) appropriate knowledge and understanding of the essential safety requirements, the relevant harmonised standards and legislation; (d) the ability to draw up certificates, records and reports.	Schedule 5, paragraph 11
25(8)	<p><u>Obligation 1:</u> The impartiality of the conformity assessment bodies, their top level management and the personnel responsible for carrying out conformity assessment tasks must be guaranteed.</p> <p><u>Obligation 2:</u> The remuneration of the top level management and personnel responsible for carrying out conformity assessment tasks must not depend on the number of assessments carried out or on the results of the assessments.</p>	<p><u>Obligation 1:</u> Schedule 5, paragraph 12</p> <p><u>Obligation 2:</u> Schedule 5, paragraph 13</p>
25(9)	Conformity assessment bodies must take out liability insurance unless liability is assumed by the State or the Member State is responsible for the conformity assessment.	Schedule 5, paragraph 14

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25(10)	<p><u>Obligation 1:</u> The personnel of a conformity assessment body must observe professional secrecy, except in relation to the competent authorities of the Member State in which it is carrying out its activities.</p> <p><u>Obligation 2:</u> Proprietary rights must be protected.</p>	<p><u>Obligation 1:</u> Schedule 5, paragraphs 15 and 16</p> <p><u>Obligation 2:</u> Schedule 5, paragraph 15</p>
25(11)	Conformity assessment bodies must participate in, or ensure that their personnel are informed of, the relevant standardisation activities and the activities of the notified body coordination group and must apply as general guidance the administrative decisions and documents produced by that group.	Schedule 5, paragraph 17
26	Where a conformity assessment body demonstrates its conformity with the criteria laid down in relevant harmonised standards, it is to be presumed to comply with the requirements set out in Article 25 in so far as the applicable harmonised standards cover those requirements.	Regulation 45
27(1)	Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it must ensure that the subcontractor or the subsidiary meets the requirements set out in Article 25 and must inform the notifying authority accordingly.	Regulation 51(2)
27(2)	Notified bodies must take full responsibility for the tasks performed by subcontractors or subsidiaries.	Regulation 51(5)
27(3)	Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.	Regulation 51(3)
27(4)	Notified bodies must keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them.	Regulation 51(4)
28(1)	A conformity assessment body must submit an application for notification to the notifying authority of the Member State in which it is established.	Regulation 44(2) and (3)

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28(2)	The application must be accompanied by a description of the conformity assessment activities, the conformity assessment module and the pyrotechnic article for which the body claims to be competent, as well as by any accreditation certificate issued by a national accreditation body.	Regulation 44(2) and (3)
28(3)	Where the conformity assessment body cannot provide an accreditation certificate, it must provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements in Article 25.	Regulation 44(2) and 44(3)(c)
29(1)	Notifying authorities may notify only conformity assessment bodies which have satisfied the requirements in Article 25.	Regulation 44(1), (2), (4) and regulation 2(1)
29(2)	They must notify the Commission and other Member States using the electronic notification tool developed and managed by the Commission.	Unnecessary to implement explicitly. The Secretary of State will satisfy this obligation by actually making the notifications using the electronic notification tool
29(3)	The notification must include full details of the conformity assessment activities, the conformity assessment module and pyrotechnic article concerned and the relevant attestation of competence.	Regulation 46
29(4)	Where a notification is not based on an accreditation certificate, the notifying authority must provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that the body is monitored regularly and will continue to satisfy the requirements laid down in Article 25.	Regulation 46(c)
29(5)	The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or other Member States within 2 weeks, where an accreditation certificate is used, or 2 months otherwise. Only such a body is to be considered a notified body for the purposes of this Directive.	Regulations 43(1)(b) and 40
29(6)	The notifying authority must notify the Commission and other Member States of	Regulation 49(4)

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	any subsequent relevant changes to the notification.	
30(1)	<p><u>Obligation 1:</u> The Commission must assign an identification number to a notified body.</p> <p><u>Obligation 2:</u> It must assign a single such number even where the body is notified under several Union acts.</p>	It is not necessary to implement these obligations because these are obligations on the European Commission
30(2)	<p><u>Obligation 1:</u> The Commission must make publicly available the list of notified bodies.</p> <p><u>Obligation 2:</u> The Commission must ensure that the list is kept up to date.</p>	It is not necessary to implement these obligations because these are obligations on the European Commission.
31(1)	<p><u>Obligation 1:</u> Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 25 or that it is failing to fulfil its obligations, the notifying authority must restrict, suspend or withdraw notification, depending on the seriousness of the failure.</p> <p><u>Obligation 2:</u> The notifying authority must immediately inform the Commission and the other Member States.</p>	<p><u>Obligation 1:</u> Regulation 49(1), (2), and (3)</p> <p><u>Obligation 2:</u> Regulation 49(4)</p>
31(2)	In the event of a restriction, suspension or withdrawal of notification, or where the notified body has ceased activity, the notifying Member State must take appropriate steps to ensure that the files are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities.	Regulation 49(5)
32(1)	The Commission must investigate any doubts regarding the competence of a notified body or whether the body is fulfilling its responsibilities.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
32(2)	The notifying Member State must provide the Commission, on request, with information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.	It is not necessary to implement this obligation explicitly. The Secretary of State will satisfy this obligation by providing any such information that is requested.
32(3)	The Commission must ensure that all	It is not necessary to implement this

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	sensitive information obtained in the course of its investigations is treated confidentially.	obligation because it is an obligation on the European Commission.
32(4)	Where the Commission ascertains that a notified body does not meet, or no longer meets, the requirements for notification, it must adopt an implementing act requesting the notifying Member State to take the necessary corrective action.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
33(1)	Notified bodies must carry out conformity assessments in accordance with the conformity assessment procedures set out in Annex II.	Regulation 50 and Schedule 6, paragraph 1
33(2)	<p><u>Obligation 1:</u> Conformity assessments must be carried out in a proportionate manner.</p> <p><u>Obligation 2:</u> Conformity assessment bodies must perform their activities taking due account of the size of the undertaking, the sector in which it operates, its structure, the degree of complexity etc.</p> <p><u>Obligation 3:</u> In doing so they must respect the degree of rigour and level of protection required for the compliance of the pyrotechnic article with the requirements of the Directive.</p>	<p><u>Obligation 1:</u> Regulation 50 and Schedule 6, paragraph 2</p> <p><u>Obligation 2:</u> Regulation 50 and Schedule 6, paragraph 3</p> <p><u>Obligation 3:</u> Regulation 50 and Schedule 6, paragraph 4</p>
33(3)	Notified bodies must assign registration numbers, identifying pyrotechnic articles which have been subject to conformity assessment and their manufacturers and must maintain a register of the registration numbers of pyrotechnic articles for which they have issued certificates.	Regulation 50 and Schedule 6, paragraph 5
33(4)	Where a notified body finds that essential safety requirements set out in Annex 1 or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity.	Regulation 50 and Schedule 6, paragraph 7
33(5)	Where, in the course of monitoring of conformity following the issue of a certificate, a notified body finds that a pyrotechnic article no longer complies, it	Regulation 50 and Schedule 6, paragraph 8

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate, if necessary.	
33(6)	Where corrective measures are not taken or do not have the required effect, the notified body must restrict, suspend or withdraw any certificates.	Regulation 50 and Schedule 6, paragraph 9
34	Member States must ensure that an appeal procedure against decisions of the notified body is available.	Regulation 50 and Schedule 6, paragraph 13
35(1)	Notified bodies must inform the notifying authority of: (a) any refusal, restriction, suspension or withdrawal of a certificate; (b) any circumstances affecting the scope or conditions for notification; (c) any request for information received from market surveillance authorities; and (d) on request, conformity assessment activities performed etc.	Regulation 50 and Schedule 6, paragraph 12
35(2)	Notified bodies must provide other bodies notified under the Directive carrying out similar conformity assessment activities covering the same pyrotechnic articles with relevant information on issues relating to negative and, on request, positive conformity assessment results.	Regulation 50 and Schedule 6, paragraph 14
36	The Commission must provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
37	<u>Obligation 1:</u> The Commission must ensure that appropriate coordination and cooperation between notified bodies are put in place. <u>Obligation 2:</u> Member States must ensure that the bodies notified by them participate in the forum.	<u>Obligation 1:</u> It is not necessary to implement this obligation because it is an obligation on the European Commission. <u>Obligation 2:</u> Regulation 50 and Schedule 6, paragraph 15
38(1)	Member States must take all appropriate measures to ensure that pyrotechnic articles may be placed on the market only if, when properly stored and used for their intended purpose, they do not endanger the health and safety of persons.	Part 5 and Schedules 7, 8 and 9

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
38(2)	Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 apply to pyrotechnic articles.	Part 5 and Schedules 7, 8 and 9
38(3)	Member States must inform the Commission annually about their market surveillance activities.	It is not necessary to implement this obligation explicitly. The Secretary of State will satisfy this obligation by making the report each year.
39(1)	<p><u>Obligation 1:</u> Where a market surveillance authority has reason to believe that a pyrotechnic article presents a risk to health or safety of persons or to other aspects of public interest protection, it must carry out an evaluation in relation to the pyrotechnic article concerned.</p> <p><u>Obligation 2:</u> The relevant economic operators must cooperate as necessary with the market surveillance authorities for the purposes of the evaluation.</p> <p><u>Obligation 3:</u> Where, in the course of an evaluation, the market surveillance authority finds that a pyrotechnic article does not comply, it must require the economic operator to take all appropriate corrective action within a reasonable period.</p> <p><u>Obligation 4:</u> The market surveillance authority must inform the relevant notified body accordingly.</p> <p><u>Obligation 5:</u> Article 21 of Regulation (EC) No 765/2008 applies to the corrective action required.</p>	<p><u>Obligation 1:</u> Regulations 56(1) and 2(5)</p> <p><u>Obligation 2:</u> Regulations 23(2)(a) and 28(2)(a)</p> <p><u>Obligation 3:</u> Regulation 57(1) and (9)</p> <p><u>Obligation 4:</u> Regulation 57(2)</p> <p><u>Obligation 5:</u> Regulation 61</p>
39(2)	Where the market surveillance authority considers that non-compliance is not restricted to their national territory, they must inform the Commission and other Member States of the result of the evaluation and the actions that it has required of the economic operator.	Regulation 57(4)
39(3)	The economic operator must ensure that all appropriate corrective action is taken in respect of all the pyrotechnic articles concerned that it has made available on the market.	Regulations 23(2)(b) and 28(2)(b)

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
39(4)	<p><u>Obligation 1:</u> Where the relevant economic operator does not taken adequate corrective action, the market surveillance authority must take appropriate measures to prohibit or restrict the pyrotechnic articles being made available on the national market, to withdraw the pyrotechnic articles from the market or to recall it.</p> <p><u>Obligation 2:</u> The market surveillance authority must inform the Commission and the other Member States of those measures.</p>	<p><u>Obligation 1:</u> Regulation 57(5)</p> <p><u>Obligation 2:</u> Regulation 57(7)</p>
39(5)	<p><u>Obligation 1:</u> The information provided to the Commission and other Member States must include certain information, including data necessary for the identification of the pyrotechnic article, the nature of the non-compliance and the risk, the nature of the national measures taken etc.</p> <p><u>Obligation 2:</u> The information provided must indicate whether the non-compliance is due to either failure to meet requirements under the Directive or shortcomings in the harmonised standards.</p>	<p><u>Obligation 1:</u> Regulation 57(8)</p> <p><u>Obligation 2:</u> Regulation 57(8)</p>
39(6)	Member States other than the one initiating the procedure must inform the Commission and other Member States of any measures adopted and any information at their disposal relating to the non-compliance of the pyrotechnic article, and any objections to the adopted national measure.	Regulation 58(2)
39(7)	If no objections are raised within 3 months of receipt of the information, the measure is considered justified.	It is not necessary to implement this provision. It concerns a procedure that takes place at the EU level.
39(8)	Member States must ensure that appropriate restrictive measures are taken in respect of a pyrotechnic article without delay.	Regulation 58(3)
40(1)	Where, on completion of the procedure in Article 39, objections are raised, the Commission must enter into consultation, evaluate the national measure, adopt an	It is not necessary to implement this obligation because it is an obligation on the European Commission.

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	implementing act determining whether the national measure is justified and communicate its decision to Member States and relevant economic operators.	
40(2)	<p><u>Obligation 1:</u> If the national measure is considered justified, all Member States must take the necessary measures to ensure that the non-compliant pyrotechnic article is withdrawn from their national market and inform the Commission accordingly.</p> <p><u>Obligation 2:</u> If the national measure is considered unjustified, the Member State concerned must withdraw that measure.</p>	<p><u>Obligation 1:</u> Regulation 58(4) and (6)</p> <p><u>Obligation 2:</u> Regulation 58(7)</p>
40(3)	Where the national measure is considered justified and the non-compliance is attributed to a shortcoming in the harmonised standards, the Commission must apply the procedure provided for in Regulation (EU) No 1025/2012.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
41(1)	Where, having carried out an evaluation, a Member State finds that although a pyrotechnic article is in compliance with the Directive, it presents a risk to the health or safety of persons or to other aspects of public interest protection, it must require the relevant economic operator to take all appropriate measures to ensure that the pyrotechnic article, when placed on the market, no longer presents the risk, to withdraw the pyrotechnic article or to recall it within a reasonable period.	Regulations 59(1) and (5) and 2(5)
41(2)	The economic operator must ensure that corrective action is taken in respect of all the pyrotechnic articles concerned that he has made available on the market throughout the Union.	Regulations 23(2)(b) and 28(2)(b)
41(3)	The Member State must inform the Commission and other Member States and provide the data necessary to identify the pyrotechnic article, the origin and the supply chain, the nature of the risk and the nature of the national measures taken.	Regulation 59(3) and (4)
41(4)	The Commission must enter into consultation, evaluate the national	It is not necessary to implement this obligation because it is an obligation on

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	measures and decide whether the national measure is justified.	the European Commission.
41(5)	The Commission must address its decision to all Member States and the relevant economic operators.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
42(1)	Where a Member State makes a finding of formal non-compliance, it must require the relevant economic operator to put an end to the non-compliance concerned.	Regulation 60(1) and (4)
42(2)	Where the non-compliance persists, the Member State must take appropriate measures to restrict or prohibit the pyrotechnic article being made available on the market or ensure that it is recalled or withdrawn from the market.	Regulation 60(2) and (3)
43	The Commission must determine the numbering system for registration and practical arrangements for collecting accident data by implementing act.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
44(1)	The Commission is to be assisted by the Committee on Pyrotechnic Articles.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
44(2)	Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
44(3)	Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
44(4)	Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this provision as it concerns a process at the EU level.
44(5)	The committee must be consulted by the Commission and must examine matters concerning the application of the Directive raised by the chair or a representative of a Member State.	It is not necessary to implement this provision as it concerns a process at the EU level.
45	Member States must lay down rules on penalties applicable to infringements by economic operators of the provisions of national law adopted pursuant to this Directive and must take all measures necessary to ensure that they are enforced. Such rules may include criminal penalties for serious infringements.	Part 5 (and in particular, regulations 62 and 63)

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
	The penalties provide must be effective, proportionate and dissuasive.	
46(1)	Member State must not impede the making available on the market of pyrotechnic articles which are in conformity with Directive 2007/23/EC and which were placed on the market before 1 July 2015.	Regulations 3(2)(a) and 75(2)
46(2)	National authorisations for fireworks of categories F1, F2 and F3 granted before 4 July 2010 are to continue to be valid on the territory of a Member State having granted the authorisation until their expiry or 4 July 2017, whichever is earlier.	Regulation 74(1) and (3)
46(3)	National authorisations for other pyrotechnic articles, for fireworks of category F4 and for theatrical pyrotechnic articles granted before 4 July 2013 are to continue to be valid on the territory of the Member State having granted the authorisation until their expiry or until 4 July 2017, whichever is earlier.	Regulation 74(2) and (3)
46(4)	By way of derogation from paragraph (3), national authorisations for pyrotechnic articles for vehicles, including as spare parts, granted before 4 July 2013 are to continue to be valid until their expiry.	Regulation 74(2) and (3)(b)
46(5)	Certificates issued under Directive 2007/23/EC are to be valid under the Directive.	Regulation 74(5)
47(1)	Member States must adopt and publish their implementing measures by 30 June 2015 and must apply them from 1 July 2015.	It is not necessary to implement this obligation explicitly. This obligation is satisfied by implementing on time.
47(2)	By way of derogation from paragraph 1, Member States must adopt and publish by 3 October 2013 their implementing measures to comply with point 4 of Annex 1.	It is not necessary to implement this obligation. This obligation was satisfied by the coming into force of S.I. 2013/1950.
47(3)	Where Member States adopt the measures referred to in paragraphs 1 and 2, they must contain a reference to this Directive. They must also include a statement that references in existing laws to the Directive repealed are to be construed as references to the new Directive.	These Regulations do contain a reference to the Directive in regulation 2(1) and in the Explanatory Note. However, the obligation concerning references to the 2007 Directive is implemented by ensuring that there are no longer any references to the repealed

Article of the Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015, unless otherwise provided)
		Directive in United Kingdom law.
47(4)	Member States must communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	It is not necessary to implement this obligation explicitly. This obligation is implemented by communicating the main provisions to the Commission.
48	Directive 2007/23/EC is repealed from 1 July 2015, save that point 4 of Annex 1 is repealed with effect from 4 July 2013. References to the repealed Directive are to be construed as reference to the new Directive.	It is not necessary to implement this obligation as it operates at the EU level. However, the Regulations do revoke the Pyrotechnic Articles (Safety) Regulations 2010, which implemented the repealed Directive.
49	The Directive enters into force the day following its publication and most provisions apply from 1 July 2015.	It is not necessary to implement this obligation as it operates at the EU level.
50	This Directive is addressed to Member States.	It is not necessary to implement this provision.
Annex I	Essential safety requirements.	Schedule 2
Annex II	Conformity assessment procedures.	Regulation 40 (by cross-reference to the Directive)
Annex III	Model EU declaration of conformity.	Regulation 41(c) (by cross-reference to the Directive)
Annex IV	Repeals and time limits for transposition referred to Article 48.	It is not necessary to implement these provisions.
Annex V	Correlation table.	It is not necessary to implement these provisions.

Commission Implementing Directive 2014/58/EU setting up a system for the traceability of pyrotechnic articles

Article of Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015)
1	Format of registration numbers.	Regulation 2(1)
2(1)	Notified bodies must maintain a register of the pyrotechnic articles in respect of which they have carried out conformity assessment procedures, the register entries must contain at least the information in the Annex and must be kept for 10 years.	Schedule 6, paragraph 6
2(2)	Where the notification of a notified body is withdrawn, the body must transfer its files to another notified body or to competent national authority.	Regulation 49(5)
3(1)	<u>Obligation 1</u> : Manufacturers and importers must keep a record of certain information about the pyrotechnic	<u>Obligation 1</u> : Regulation 20(2)(a) and (4)

Article of Directive	Obligation	National provision (References are to provisions of the Pyrotechnic Articles (Safety) Regulations 2015)
	<p>articles manufactured or imported by them for 10 years.</p> <p><u>Obligation 2:</u> They must transfer that record to the competent national authorities if they cease to trade.</p> <p><u>Obligation 3:</u> They must provide the competent national authority with the information specified upon request.</p>	<p><u>Obligation 2:</u> Regulation 20(2)(b)</p> <p><u>Obligation 3:</u> Regulation 20(2)(c)</p>
4	Member States must adopt and publish implementing measures by 30th April 2015. They must apply those provisions from 17th October 2016.	It is not necessary to implement this provision explicitly. This obligation is implemented by implementing on time.
5	The Directive enters into force on the 20th day after its publication in the Official Journal of the European Communities.	It is not necessary to implement this provision.