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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 6

All economic operators

**[<sup>F1</sup>Obligations which are met by complying with obligations in the Directive**

**38A.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex to the Directive; and
- (b) “CE marking” has the meaning given to it in Article 3(22); and
- (c) “harmonised standard” has the meaning given to it in Article 3(14).

(2) Paragraph (3) applies where, before placing a pyrotechnic article on the market, the manufacturer—

- (a) ensures that the pyrotechnic article has been designed and manufactured in accordance with the essential safety requirements set out in Annex I;
- (b) ensures that the technical documentation referred to in Annex II has been drawn up;
- (c) ensures that the conformity assessment procedure that applies to that pyrotechnic article in accordance with Article 17 has been carried out;
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (e) affixes a CE marking and other markings, in accordance with Articles 19 and 20(1) to (4);
- (f) draws up an EU declaration of conformity, in accordance with Article 18; and
- (g) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulation 7, 8, 9(1) and 9(3) are to be treated as being satisfied;
- (b) regulations 2(2)(a), 9(2), 10, 13(2) and 38 apply subject to the modifications in paragraph (8);
- (c) Part 3 does not apply; and
- (d) regulations 60(1)(a), (c), (d) and (f) do not apply.

(4) Paragraph (5) applies where, before placing a pyrotechnic article on the market, the importer ensures that—

- (a) the conformity assessment procedure that applies to that pyrotechnic article in accordance with Article 17 has been carried out;

- (b) the manufacturer has drawn up the technical documentation referred to in Annex II; and
  - (c) the vessel bears the CE marking and other markings referred to in Article 20(3) to (4).
- (5) Where this paragraph applies—
- (a) the requirements of regulation 15(a) to (c) are to be treated as being satisfied; and
  - (b) regulations 2(2)(a), 16(1) and 19, and regulation 29 insofar as it relates to importers, apply subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making a pyrotechnic article available on the market, a distributor ensures that the vessel bears the CE marking.
- (7) Where this paragraph applies—
- (a) regulation 25(1)(a)(i) is to be treated as being satisfied; and
  - (b) regulations 2(2)(a), 26(1), and regulation 29 insofar as it relates to distributors, apply subject to the modifications in paragraph (8).
- (8) The modifications referred to in paragraphs (3)(b), (5)(b) and (9)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
  - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
  - (c) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements referred to in Annex I;
  - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the pyrotechnic article in accordance with Article 17;
  - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex II.]

#### Textual Amendments

- F1** Regs. 38A-38F inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 19 para. 22** (with Sch. 19 para. 36) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 11(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Pyrotechnic Articles (Safety) Regulations 2015, Section 38A.