



STATUTORY INSTRUMENTS.

S.I. No. 416 of 2010

EUROPEAN COMMUNITIES (PLACING ON THE MARKET OF
PYROTECHNIC ARTICLES) (AMENDMENT) REGULATIONS 2010

(Prn. A10/1288)

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The Minister for Justice and Law Reform, in exercise of the powers conferred on him by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007¹, hereby makes the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Placing on the Market of Pyrotechnic Articles) (Amendment) Regulations 2010.

Definition

2. In these Regulations “Principal Regulations” means the European Communities (Placing on the Market of Pyrotechnic Articles) Regulations 2010 (S.I. No. 1 of 2010).

Amendment of Regulation 1 of Principal Regulations

3. Regulation 1(2) of the Principal Regulations is amended by substituting “Subject to Regulation 23, these” for “These”.

Amendment of Regulation 2 of Principal Regulations

4. Regulation 2 of the Principal Regulations is amended by substituting the following definitions for the definitions of “Commission” and “Community”:

“ ‘Commission’ means the European Commission;

‘Community’ means the European Union;”.

Amendment of Regulation 22 of Principal Regulations

5. Regulation 22 of the Principal Regulations is amended—

(a) by substituting the following for the first paragraph:

“(1) A person who contravenes Regulation 4, 5, 6, 8, 11, 12, 13, 14(3), 15(11), 19(9) or 23 commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment, to a fine not exceeding €20,000 or imprisonment for a term not exceeding 3 years or both.”,

¹O.J. L154 of 14.06.2007, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd September, 2010.*

and

(b) in paragraph (2), by inserting—

- (i) “wilful” before “neglect”, and
- (ii) “, as well as the body corporate,” after “that person”.

Insertion of new Regulation in Principal Regulations

6. The Principal Regulations are amended by inserting the following Regulation after Regulation 22:

“Transitional

23. (1) Regulations 5, 6 and 12 shall not apply in respect of the following:

- (a) a firework of category 1, 2 or 3, the manufacture or importation of which was lawful immediately prior to 4 July 2010;
- (b) a pyrotechnic article (other than a firework of category 1, 2 or 3), the manufacture or importation of which is lawful at any time from 4 July 2010 but prior to 4 July 2013.

(2) (a) The manufacturer of an article to which paragraph (1) applies (other than a pyrotechnic article for vehicles) shall label that article in accordance with paragraph (6).

(b) The manufacturer of a pyrotechnic article for vehicles to which paragraph (1) applies shall label that article in accordance with Regulation 13.

(3) Where a manufacturer referred to in paragraph (2) is not established in the Community, the importer of the article concerned shall—

(a) ensure that the manufacturer has fulfilled his or her obligations under these Regulations, or

(b) assume these obligations himself or herself.

(4) A distributor of an article to which paragraph (1) applies—

(a) shall act with due care in accordance with applicable Community law, and

(b) shall not distribute such an article which does not comply with the requirements set out in subparagraphs (a) and (b) of paragraph (5).

(5) No person shall place any article to which paragraph (1) applies on the market unless the article—

- (a) has been properly labelled, or its packaging has been so labelled, in accordance with paragraph (6) or, in the case of a pyrotechnic article for vehicles, Regulation 13, and
- (b) when properly stored and used for its intended purpose, does not endanger the health and safety of persons.

(6) (a) A manufacturer shall ensure that articles to which paragraph (1) applies (other than pyrotechnic articles for vehicles) are properly labelled visibly, legibly and indelibly in the English or Irish language, and in accordance with this Regulation.

(b) The labelling of articles referred to in subparagraph (a) shall include as a minimum:

- (i) the name and type of the article;
- (ii) instructions for use;
- (iii) a minimum safety distance where appropriate.

(c) If the article referred to in subparagraph (a) does not provide sufficient space for the labelling requirements referred to in subparagraphs (a) and (b), the information shall be provided on the smallest piece of packaging.

(7) This Regulation shall cease to have effect on 3 July 2017.”.



GIVEN under the Official Seal of the Minister for Justice and Law Reform,
2 September 2010.

KEN O'LEARY,

A person authorised under section 15 of the Ministers and Secretaries Act 1924 to authenticate the seal of the Minister for Justice and Law Reform.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the European Communities (Placing on the Market of Pyrotechnic Articles) Regulations 2010 (S.I. No. 1 of 2010). They provide for an additional transitional provision which will apply until 3 July 2017. The transitional measures will cease to apply after 3 July 2017, when all pyrotechnic articles placed on the market must comply fully with the Regulations.

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