

## Information on manufacturers, importers and corresponding labelling requirements including transitional provisions for pyrotechnic articles for vehicles according to the directive 2013/29/EU

### General requirements

The directive 2013/29/EU entered into force on 12<sup>th</sup> June 2013 and was applied by the member states from 1<sup>st</sup> July 2015. Requirements for the labelling of pyrotechnic articles for vehicles are given in article 11 of the directive and changed -compared with the labelling requirements of the directive 2007/23/EC- with entry into force. The labelling contains the following minimum information according to article 11 of the directive 2013/29/EU:

1. Information about the manufacturer set out in Article 8(6)<sup>1</sup>,
2. Name and type of the pyrotechnic article,
3. Registration number,
4. product, batch or serial number and
5. where necessary, the safety instructions.

In addition, the pyrotechnic article needs to be labelled with the CE-mark followed by the number of the notified body involved in the production phase. If the pyrotechnic article for vehicles does not provide sufficient space for the labelling requirements, the information shall be provided on the packaging.

An importer is not needed, where the manufacturer is not established in the Union (article 11 no. 1 of the Directive 2013/29/EU). If, however, the manufacturer located outside the EU decides to have an importer, then the importer shall indicate on the pyrotechnic article their name, registered trade name or registered trade mark and the postal address at which they can be contacted (where possible, refer to article 12 no. 3 of the Directive 2013/29/EU).

Normally a postal address (for contact purposes of manufacturers or importers) consists of a street and number or post-box and number and the postal code and town. A website is additional information, but is not enough as an address.<sup>2</sup>

### Transitional provisions and definitions

According to article 46 (1): *“Member States shall 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.”*

Within this consideration it is essential to contemplate the following terms and definitions:

- ‘making available on the market’ means any supply of a pyrotechnic article for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge; (article 3 (7) of 2013/29/EU);
- ‘placing on the market’ means the first making available of a pyrotechnic article on the Union market; (article 3 (8) of 2013/29/EU).

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<sup>1</sup> *Manufacturers shall indicate on the pyrotechnic article their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the pyrotechnic article. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end- users and market surveillance authorities.*

<sup>2</sup> *‘Blue Guide’ on the implementation of EU products rules 2016, (2016/C 272/01), clause 4.2.2.1.*

The 'Blue Guide' on the implementation of EU products rules 2016 further defines: *“As for “making available”, the concept of placing on the market refers to each individual product, not to a type of product, and whether it was manufactured as an individual unit or in series.”*

### **Conclusion**

Considering the given definitions and requirements set out by the Directive 2013/29/EU and the Blue Guide the following applies:

If the pyrotechnic articles were placed on the EU market by the manufacturer or importer before 1<sup>st</sup> of July 2015, then there is no obligation to adapt the labelling of such articles to the new requirements introduced by Directive 2013/29/EU. However, if the pyrotechnic articles were certified under Directive 2007/23/EC but not placed on the market by the manufacturer or importer before 1<sup>st</sup> July 2015, then they have to comply with the new labelling requirements of Directive 2013/29/EU, although it follows from Article 46(5) of Directive 2013/29/EU that the type-certificates issued under Directive 2007/23/EC remain valid. Infringements against these labelling provisions are formal non-compliances according to article 42 of the directive 2013/29/EU and might lead to countermeasures by the market surveillance authorities and the Member States.

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