

# WORLD TRADE ORGANIZATION

G/TBT/N/NLD/22  
20 July 2001

(01-3619)

Committee on Technical Barriers to Trade

Original: English

## NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	<b>Member to Agreement notifying:</b> <u>THE NETHERLANDS</u> <b>If applicable, name of local government involved (Articles 3.2 and 7.2):</b>
2.	<b>Agency responsible:</b> Ministry of Housing, Spatial Planning and the Environment <b>Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> National Enquiry Point – EC WTO TBT Enquiry Point
3.	<b>Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
4.	<b>Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> The Regulation pertains to both fireworks intended for private use (consumer fireworks) and fireworks intended for use during an event or show (professional fireworks).
5.	<b>Title, number of pages and language(s) of the notified document:</b> Decree containing New Rules regarding Consumer and Professional Fireworks (Fireworks Decree).
6.	<p><b>Description of content:</b> In the Decree, the regulations for consumer fireworks and professional fireworks are integrated and tightened up. Consumer fireworks refer to the fireworks used by private persons on New year's eve. Professional fireworks refer to the heavier fireworks which are ignited during events or shows.</p> <p>The guiding principle is that the entire chain of trade in and import, transfer, export, storage, manufacture, assembly, and ignition of both professional and consumer fireworks is regulated by general rules which are tailored to those who carry out the relevant activity.</p> <p>For safety reasons, the government will - as is now the case - soon be laying down safety requirements for consumer fireworks. One of the requirements is that fireworks will need to specify "intended for private use" or "intended for professional use", the name of the manufacture and importer or trader, as well as the Article No which serves to identify the fireworks and the year of manufacture. Consumer fireworks must also be accompanied by instructions for use.</p> <p>Since research has shown that the packaging does not always carry the correct designation of the risk classification (in many cases, the classification is lower than it should be), as a result of which accidents can occur during storage, in the draft Decree, the importer will become responsible for the correct designation of the risk classification on the transport packaging. In addition, he must ensure that both the fireworks and the transport packaging are clearly labelled in terms of whether the fireworks are intended for private or professional use.</p>

Furthermore, importers and suppliers of fireworks shall be required to notify the Environmental Hygiene Inspectorate beforehand of the import and export, and delivery of their fireworks (except for delivery of consumer fireworks to private people). The purpose of this is to gain an insight into the fireworks streams and to prevent fireworks which do not meet the product safety requirements that apply to consumer fireworks ending up in the hands of private users.

In addition, safe distances are prescribed which during the storage of both consumer and professional fireworks must be observed in respect of vulnerable objects.

Rules are laid down for storing and processing fireworks, which are further detailed in the annexes.

As far as the sale of consumer fireworks is concerned, it is stipulated - as is now the case - that fireworks may only be sold during the last three days of the year, and consumer fireworks may only be lit between 10 p.m. on 31 December and 2 a.m. on 1 January. Professional fireworks may only be sold to establishments which are permitted to store those fireworks or to businesses which have a licence to light fireworks. A licence is required for igniting professional fireworks, which can be obtained from the provincial authorities where the applicant is based. This licence pertains to the business activity in general. In order to light fireworks on location, an additional permission is required from the Provincial Executive of the province in question, as well as a declaration of no objection from the Mayor of the municipality where the fireworks will be ignited.

Only a skilled, certified person may light the fireworks, in accordance with, and accompanied by, a work schedule which has been drafted beforehand. An establishment designated by the Government issues certificates of skill. The General Act on the recognition of vocational training within the EC puts foreign certificates on an equal footing.

- 7. Objective and rationale, including the nature of urgent problems where applicable:**  
The direct cause for tightening the fireworks procedures is the fireworks disaster which took place in Enschede on 13 May 2000. Central to the draft Decree are the protection of the public in the vicinity of an establishment where fireworks are present, the protection of the crowd attending an event or show where professional fireworks are lit, the protection of the public when fireworks are ignited on New Year's eve, and the protection of people under the employ of a business where activities take place involving professional fireworks.

- 8. Relevant documents:**
- Environmentally Hazardous Substances Act (Article 24, 32, 2nd and 4th paragraphs; and 39, 3rd paragraph)
  - Act on the transport of dangerous substances (Article 3)
  - Act on disasters and serious accidents (Article 2c, 3rd paragraph)
  - Working Conditions Act 1998 (Articles 16 and 20)
  - Criminal Code (Article 74c)
  - Environmental Management Act (Article 5.1, 5.3, 8.2, 2nd paragraph, 8.5, 8.7, 8.19, 8.40, 8.41, 8.44 and 18.4)
  - Act on police registers (Article 18, 3rd paragraph)
  - Act on weapons and ammunition (Article 9, 5th paragraph, under b)

<b>9.</b>	<b>Proposed date of adoption:</b> 1 November 2001 <b>Proposed date of entry into force:</b> 1 December 2001
<b>10.</b>	<b>Final date for comments:</b> 17 September 2001
<b>11.</b>	<b>Texts available from:</b> National enquiry point [X] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body: