

**COMMISSION IMPLEMENTING DECISION (EU) 2023/1096****of 2 June 2023****laying down rules for the application of Directive 2013/29/EU of the European Parliament and of the Council as regards the regular collection and updating of data on accidents related to the use of pyrotechnic articles****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles <sup>(1)</sup>, and in particular Article 43(b) thereof,

Whereas:

- (1) Pursuant to Article 43(b) of Directive 2013/29/EU, the Commission is to determine the practical arrangements for the regular collection and updating of data on accidents related to pyrotechnic articles, so as to enable, as far as possible, an overview of the accident situation in the Union, based on common reporting principles. The regular and reliable collecting, updating and exchanging of such data is therefore an important tool to define a clear picture on the degree of effective implementation of the Directive as regards the lawful and safe use of pyrotechnic articles and thus to evaluate on whether additional harmonization measures would be required.
- (2) All Member States have already agreed that it is, in principle, useful and feasible to collect the data on accidents related to the use of pyrotechnic articles. However, the collection of data relating to pyrotechnic articles of categories other than F1 to F4 would create an unjustified administrative burden. In addition, pyrotechnic articles of category P1 for vehicles, including airbag and seat belt pre-tensioner systems, do not generally present a risk of misuse or accident as they are part of safety devices in vehicles. Considering that Member States have already regularly reported data on accidents related to the use of fireworks to the Commission on a voluntary basis, the existing voluntary system should be used as basis when determining the practical arrangements for the regular collection and updating by all Member States of data on accidents related to the use of fireworks.
- (3) In order to ensure relevance and comparability of the data, the minimum mandatory data should include information on the overall number of accidents with injuries or the overall number of injuries related to the use of pyrotechnic articles as well as the number of injuries resulting from the accidents by age group and the type of injury. In order to better understand the causality and, subsequently, inform national or Union policy decisions, additional data should be provided if available. In order to reduce administrative burden for Member States, where collecting the minimum required data is not possible, reporting of extrapolated data gathered from representative samples should be allowed.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee on Pyrotechnic Articles,

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<sup>(1)</sup> OJ L 178, 28.6.2013, p. 27.

HAS ADOPTED THIS DECISION:

*Article 1*

**Minimum mandatory data**

1. From 1 January 2024, Member States shall collect for each calendar year at least the following data on accidents occurred within their territory, which were related to the use of pyrotechnic articles of categories F1 to F4:

- (a) the overall number of accidents with injuries or the overall number of injuries related to the use of pyrotechnic articles;
- (b) number of injuries divided by the following age groups of the victims:
  - (i) from 0 to 12 years;
  - (ii) from 13 to 18 years;
  - (iii) older than 18 years;
- (c) number of injuries by type in the following categories:
  - (i) hand or arm;
  - (ii) face or head;
  - (iii) eyes;
  - (iv) hearing;
  - (v) other;
- (d) number of injuries by degree of seriousness in the following categories:
  - (i) injuries requiring hospitalisation;
  - (ii) deaths;
  - (iii) other.

2. Where collecting any of the data referred to in paragraph 1 is not possible, Member States may collect data from representative samples and extrapolate it.

3. Where collection of data, as referred to in paragraphs 1 and 2, is not possible in a given year, Member States shall collect all other data on accidents related to the use of pyrotechnic articles of categories F1 to F4 available to them.

*Article 2*

**Additional data**

Member States shall, in addition to the data referred to in Article 1, collect the following data where available:

- (a) type of pyrotechnic article causing the accident;
- (b) information on whether the accident was caused by incorrect use, misuse or malfunctioning of the article;
- (c) information on whether the article was made available on the market illegally;
- (d) any other information which the Member State considers important for accident data analysis.

*Article 3***Transmission of information**

1. Member States shall transmit the data referred to in Articles 1 and 2 for each calendar year to the Commission by 1 October of the subsequent calendar year.
2. Where Member States transmit data in accordance with Article 1(2), they shall indicate which data has been extrapolated.
3. Where Member States transmit data in accordance with Article 1(3), they shall submit a justification explaining why neither collection nor extrapolation of data was possible that year.
4. Member States shall provide the Commission with the data referred to in Articles 1(1), 1(2) and 2 using the electronic format to be provided by the Commission.

*Article 4***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 2 June 2023.

*For the Commission*  
Thierry BRETON  
*Member of the Commission*

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