

ΟΔΗΓΙΑ 2004/57/ΕΚ ΤΗΣ ΕΠΙΤΡΟΠΗΣ
της 23ης Απριλίου 2004

για την ταυτοποίηση των πυροτεχνημάτων και ορισμένων πυρομαχικών για τους σκοπούς της οδηγίας 93/15/ΕΟΚ του Συμβουλίου για την εναρμόνιση των διατάξεων περί της εμπορίας και του ελέγχου των εκρηκτικών υλών εμπορικής χρήσης

(Κείμενο που παρουσιάζει ενδιαφέρον για τον ΕΟΧ)

Η ΕΠΙΤΡΟΠΗ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΚΟΙΝΟΤΗΤΩΝ,

Έχοντας υπόψη:

τη συνθήκη για την ίδρυση της Ευρωπαϊκής Κοινότητας,

την οδηγία 93/15/ΕΟΚ του Συμβουλίου, της 5ης Απριλίου 1993, για την εναρμόνιση των διατάξεων περί της εμπορίας και του ελέγχου των εκρηκτικών υλών εμπορικής χρήσης ⁽¹⁾, και ιδίως το άρθρο 13 παράγραφος 3,

Εκτιμώντας τα ακόλουθα:

- (1) Η οδηγία 93/15/ΕΟΚ αφορά εκρηκτικές ύλες και αντικείμενα που θεωρούνται ως τέτοια στις «Συστάσεις των Ηνωμένων Εθνών σχετικά με τη μεταφορά επικινδύνων εμπορευμάτων» και περιλαμβάνονται στην κλάση 1 των εν λόγω συστάσεων. Τα πυροτεχνήματα, ωστόσο, εξαιρούνται ρητώς από το πεδίο εφαρμογής της εν λόγω οδηγίας.
- (2) Κατά συνέπεια, για να εξασφαλισθεί η ομοιόμορφη εφαρμογή της οδηγίας 93/15/ΕΟΚ στο σύνολο της Κοινότητας, είναι αναγκαία η ταυτοποίηση, με αναφορά στις σχετικές συστάσεις των Ηνωμένων Εθνών, των αντικειμένων που πρέπει να θεωρούνται πυροτεχνήματα.
- (3) Ορισμένα αντικείμενα που εμπίπτουν στην κλάση 1 των συστάσεων των Ηνωμένων Εθνών έχουν διττή λειτουργία καθώς είναι δυνατόν να χρησιμοποιούνται ως εκρηκτικά ή ως πυροτεχνήματα. Είναι σκόπιμο, συνεπώς, χάριν της συνεκτικής εφαρμογής της οδηγίας 93/15/ΕΟΚ, να υπάρξει πρόβλεψη για την ταυτοποίηση των αντικειμένων αυτών ως προς την κύρια λειτουργία τους, δηλαδή ως εκρηκτικών ή ως πυροτεχνημάτων.
- (4) Τα μέτρα που προβλέπονται στην παρούσα απόφαση είναι σύμφωνα με τη γνώμη της επιτροπής που συγκροτήθηκε δυνάμει του άρθρου 13 της οδηγίας 93/15/ΕΚ,

ΕΞΕΔΩΣΕ ΤΗΝ ΠΑΡΟΥΣΑ ΟΔΗΓΙΑ:

Άρθρο 1

Για την εφαρμογή του άρθρου 1 παράγραφος 3 δεύτερη περίπτωση και τμήμα της τρίτης περίπτωσης της οδηγίας 93/15/ΕΟΚ, το παράρτημα Ι της παρούσας οδηγίας απαριθμεί τα αντικείμενα τα οποία στις σχετικές συστάσεις των Ηνωμένων Εθνών θεωρούνται πυροτεχνήματα ή πυρομαχικά.

Άρθρο 2

Το παράρτημα ΙΙ της παρούσας οδηγίας απαριθμεί τα αντικείμενα για τα οποία πρέπει να προσδιορίζεται, για τους σκοπούς του άρθρου 1 παράγραφος 3 δεύτερη περίπτωση της οδηγίας 93/15/ΕΟΚ, εάν τα αντικείμενα αυτά αποτελούν πυροτεχνήματα ή εκρηκτικά.

Άρθρο 3

1. Τα κράτη μέλη θεσπίζουν και δημοσιεύουν, το αργότερο έως, 31 Δεκεμβρίου 2004, τις αναγκαίες νομοθετικές, κανονιστικές και διοικητικές διατάξεις για να συμμορφωθούν με την παρούσα οδηγία. Ανακοινώνουν αμέσως στην Επιτροπή το κείμενο των διατάξεων και τον πίνακα συσχέτισης μεταξύ των εν λόγω διατάξεων και των διατάξεων της παρούσας οδηγίας.

Θέτουν σε εφαρμογή τις διατάξεις αυτές από τις 31 Ιανουαρίου 2005. Οι διατάξεις αυτές, όταν θεσπίζονται από τα κράτη μέλη, περιλαμβάνουν αναφορά στην παρούσα οδηγία ή συνοδεύονται από παρόμοια αναφορά κατά την επίσημη δημοσίευσή τους. Τα κράτη μέλη αποφασίζουν πώς θα γίνει αυτή η αναφορά.

2. Τα κράτη μέλη ανακοινώνουν στην Επιτροπή το κείμενο των ουσιαστών διατάξεων εσωτερικού δικαίου τις οποίες θεσπίζουν στον τομέα που καλύπτεται από την παρούσα οδηγία.

Άρθρο 3

Η παρούσα οδηγία αρχίζει να ισχύει την εικοστή ημέρα από τη δημοσίευσή της στην *Επίσημη Εφημερίδα της Ευρωπαϊκής Ένωσης*.

Άρθρο 4

Η παρούσα οδηγία απευθύνεται στα κράτη μέλη.

Βρυξέλλες, 23 Απριλίου 2004.

Για την Επιτροπή

Erkki LIHKANEN

Μέλος της Επιτροπής

⁽¹⁾ ΕΕ L 121 της 15.5.1993, σ. 20.

ANNEX I

Articles considered in the relevant United Nations recommendations to be pyrotechnic or ammunition

UN NO	NAME and DESCRIPTION	CLASS/DIVISION	GLOSSARY (to be used as a guide for information only)
Group G			
0009	Ammunition, Incendiary with or without burster, expelling charge or propelling charge	1.2 G	<p>Ammunition</p> <p>Generic term related mainly to articles of military application consisting of all kind of bombs, grenades, rockets, mines, projectiles and other similar devices.</p> <p>Ammunition, Incendiary</p> <p>Ammunition containing incendiary substance. Except when the composition is an explosive per se, it also contains one or more of the following: a propelling charge with primer and igniter charge; a fuze with burster or expelling charge.</p>
0010	Ammunition, Incendiary with or without burster, expelling charge or propelling charge	1.3 G	See Entry for UN No 0009
0015	Ammunition, Smoke with or without burster, expelling charge or propelling charge	1.2 G	<p>Ammunition, Smoke</p> <p>Ammunition containing smoke-producing substance. Except when the substance is an explosive per se, the ammunition also contains one or more of the following: a propelling charge with primer and igniter charge; a fuze with burster or expelling charge.</p>
0016	Ammunition, Smoke with or without burster, expelling charge or propelling charge	1.3 G	See Entry for UN No 0015
0018	Ammunition, Tear-producing with burster, expelling charge or propelling charge	1.2 G	<p>Ammunition, Tear-producing with burster, expelling charge or propelling charge</p> <p>Ammunition containing tear-producing substance. It also contains one or more of the following: a pyrotechnic substance; a propelling charge with primer and igniter charge; a fuze with burster or expelling charge.</p>
0019	Ammunition, Tear-producing with burster, expelling charge or propelling charge	1.3 G	See Entry for UN No 0018
0039	Bombs, photo-flash	1.2 G	<p>Bombs</p> <p>Explosive articles which are dropped from aircraft. They may contain a flammable liquid with bursting charge, a photo-flash composition or a bursting charge. The term includes: bombs, photo-flash.</p>
0049	Cartridges, Flash	1.1 G	<p>Cartridges, Flash</p> <p>Articles consisting of a casing, a primer and flash powder, all assembled in one piece ready for firing.</p>
0050	Cartridges, Flash	1.3 G	See Entry for UN No 0049

UN NO	NAME and DESCRIPTION	CLASS/DIVISION	GLOSSARY (to be used as a guide for information only)
0054	Cartridges, Signal	1.3 G	Cartridges, Signal Articles designed to fire coloured flares or other signals from signal pistols, etc.
0066	Cord, Igniter	1.4 G	Cord, Igniter Article consisting of textile yarns covered with black powder or another fast burning pyrotechnic composition and of a flexible protective covering; or it consists of a core of black powder surrounded by a flexible woven fabric: It burns progressively along its length with an external flame and is used to transmit ignition from a device to a charge.
0092	Flares, Surface	1.3 G	Flares Articles containing pyrotechnic substances which are designed for use to illuminate, identify, signal or warn.
0093	Flares, Aerial	1.3 G	See Entry for UN No 0092
0101	Fuse, non-detonating	1.3 G	Fuse/Fuze Although these two words have a common origin (French fusée, fusil) and are sometimes considered to be different spellings, it is useful to maintain the convention that fuse refers to a cord-like igniting device whereas fuze refers to a device used in ammunition which incorporates mechanical, electrical, chemical or hydrostatic components to initiate a train by deflagration or detonation. Fuse, instantaneous, non-detonating (quickmatch) Article consisting of cotton yarns impregnated with fine black powder (quickmatch). It burns with an external flame and is used in ignition trains for fireworks, etc.
0103	Fuse, Igniter, tubular, metal clad	1.4 G	Fuse, igniter, tubular, metal clad Article consisting of a metal tube with a core of deflagrating explosive.
0171	Ammunition, illuminating with or without burster, expelling charge or propelling charge	1.2 G	Ammunition, illuminating with or without burster, expelling charge or propelling charge Ammunition designed to produce a single source of intense light for lighting up an area. The term includes illuminating cartridges, grenades and projectiles; and illuminating and target identification bombs.
0191	Signal devices, hand	1.4 G	Articles designed to produce signals.
0192	Signals, railway track, explosive	1.1 G	See Entry for UN No 0191
0194	Signals, distress, ship	1.1 G	See Entry for UN No 0191

UN NO	NAME and DESCRIPTION	CLASS/DIVISION	GLOSSARY (to be used as a guide for information only)
0195	Signals, distress, ship	1.3 G	See Entry for UN No 0191
0196	Signals, smoke	1.1 G	See Entry for UN No 0191
0197	Signals, smoke	1.4 G	See Entry for UN No 0191
0212	Tracers for ammunition	1.3 G	Tracers for ammunition Sealed articles containing pyrotechnic substances, designed to reveal the trajectory of a projectile.
0254	Ammunition, illuminating with or without burster, expelling charge or propelling charge	1.3 G	See Entry for UN No 0171
0297	Ammunition, illuminating with or without burster, expelling charge or propelling charge	1.4 G	See Entry for UN No 0254
0299	Bombs, photo-flash	1.3 G	See Entry for UN No 0039
0300	Ammunition, incendiary with or without burster, expelling charge or propelling charge	1.4 G	See Entry for UN No 0009
0301	Ammunition, tear-producing with burster, expelling charge	1.4 G	See Entry for UN No 0018
0303	Ammunition, smoke with or without burster, expelling charge	1.4 G	See Entry for UN No 0015
0306	Tracers for ammunition	1.4 G	See Entry for UN No 0212.
0312	Cartridges, signal	1.4 G	Cartridges, signal Articles designed to fire coloured flares or other signals from signal pistols.
0313	Signals, smoke	1.2 G	See Entry for UN No 0195
0318	Grenades, practice, hand or rifle	1.3 G	Grenades hand or rifle Articles which are designed to be thrown by hand or to be projected by a rifle. The term includes: Grenades practice, hand or rifle.
0319	Primers, tubular	1.3 G	Primers, tubular Articles consisting of a primer for ignition and an auxiliary charge of deflagrating explosive such as black powder used to ignite the propelling charge in a cartridge case for eg cannon.
0320	Primers, tubular	1.4 G	See Entry for UN No 0319
0333	Fireworks	1.1 G	Fireworks Pyrotechnic articles designed for entertainment.
0334	Fireworks	1.2 G	See Entry for UN No 0333
0335	Fireworks	1.3 G	See Entry for UN No 0333

UN NO	NAME and DESCRIPTION	CLASS/DIVISION	GLOSSARY (to be used as a guide for information only)
0336	Fireworks	1.4 G	See Entry for UN No 0333
0362	Ammunition, practice	1.4 G	Ammunition, practice Ammunition without a main bursting charge, containing a burster or expelling charge. Normally it also contains a fuze and a propelling charge.
0363	Ammunition, proof	1.4 G	Ammunition, proof Ammunition containing pyrotechnic substances, used to test the performance or strength of new ammunition, weapon component or assemblies.
0372	Grenades, practice, hand or rifle	1.2 G	See Entry for UN No 0318
0373	Signal devices, hand	1.4 S	See Entry for UN No 0191
0403	Flares, aerial	1.4 G	See Entry for UN No 0092
0418	Flares, surface	1.2 G	See Entry for UN No 0092
0419	Flares, surface	1.1 G	See Entry for UN No 0092
0420	Flares, aerial	1.1 G	See Entry for UN No 0092
0421	Flares, aerial	1.2 G	See Entry for UN No 0092
0424	Projectiles, inert with tracer	1.3 G	Projectiles Articles such as a shell or bullet which are projected from a cannon or other artillery gun, rifle or other small arm. They may be inert, with or without tracer, or may contain a burster or expelling charge or a bursting charge. The term includes: Projectiles, inert, with tracer; projectiles with burster or expelling charge; projectiles with bursting charge.
0425	Projectiles, inert with tracer	1.4 G	See Entry for UN No 0424
0428	Articles, pyrotechnic for technical purposes	1.1 G	Articles, pyrotechnic for technical purposes Articles which contain pyrotechnic substances and are used for technical purposes such as heat generation, gas generation, theatrical effects, etc. The term excludes the following articles which are listed separately: all ammunition; cartridges, signal; cutters, cable, explosive; fireworks; flares, aerial; flares, surface; release devices, explosive; rivets, explosive; signal devices, hand; signals, distress; signals, railway track, explosive; signals, smoke.
0429	Articles, pyrotechnic for technical purposes	1.2 G	See Entry for UN No 0428
0430	Articles, pyrotechnic for technical purposes	1.3 G	See Entry for UN No 0428
0431	Articles, pyrotechnic for technical purposes	1.4 G	See Entry for UN No 0428

UN NO	NAME and DESCRIPTION	CLASS/DIVISION	GLOSSARY (to be used as a guide for information only)
0434	Projectiles with burster or expelling charge	1.2 G	Projectiles Articles such as a shell or bullet which are projected from a cannon or other artillery gun, rifle or other small arm. They may be inert, with or without tracer, or may contain a burster or expelling charge or a bursting charge. The term includes: projectiles, inert, with tracer; projectiles with burster or expelling charge; projectiles with bursting charge.
0435	Projectiles with burster or expelling charge	1.4 G	See Entry for UN No 0434
0452	Grenades, practice, hand or rifle	1.4 G	See Entry for UN No 0372
0487	Signal, smoke	1.3 G	See Entry for UN No 0194
0488	Ammunition, practice	1.3 G	Ammunition, practice Ammunition without a main bursting charge, containing a burster or expelling charge. Normally it also contains a fuze and a propelling charge. The term excludes the following articles which are listed separately: Grenades, practice.
0492	Signals, railway track, explosive	1.3 G	See Entry for UN No 0194
0493	Signals, railway track, explosive	1.4 G	See Entry for UN No 0194
0503	Air bag inflators, or Airbag modules, or seat belt pre-tensioners,	1.4 G	

UN NO	NAME and DESCRIPTION	CLASS/DIVISION	GLOSSARY to be used as a guide for information only
Group S			
0110	Grenades, practice, hand or rifle	1.4 S	See Entry for UN No 0318
0193	Signals, railway track, explosive	1.4 S	See Entry for UN No 0194
0337	Fireworks	1.4 S	See Entry for UN No 0334
0345	Projectiles, inert with tracer	1.4 S	Projectiles Articles such as a shell or bullet which are projected from a cannon or other artillery gun, rifle or other small arm. They may be inert, with or without tracer, or may contain a burster or expelling charge or a bursting charge.
0376	Primers, tubular	1.4 S	See Entry for UN No 0319
0404	Flares, aerial	1.4 S	See Entry for UN No 0092

UN NO	NAME and DESCRIPTION	CLASS/DIVISION	GLOSSARY to be used as a guide for information only
0405	Cartridges, signal	1.4 S	Cartridges, Signal Articles designed to fire coloured flares or other signals from signal pistols, etc.
0432	Articles, pyrotechnic or technical purpose	1.4 S	

ANNEX II

Articles in respect of which a determination is required as to whether those articles are pyrotechnic articles or explosives

UN NO	NAME and DESCRIPTION	CLASS/DIVISION	GLOSSARY (to be used as a guide for information only)
Group G			
0121	Igniters	1.1 G	Igniters Articles containing one or more explosive substances used to start deflagration in an explosive train. They may be actuated chemically, electrically or mechanically.
0314	Igniters	1.2 G	See Entry for UN No 0121
0315	Igniters	1.3 G	See Entry for UN No 0121
0316	Fuzes, igniting	1.3 G	
0317	Fuzes, igniting	1.4 G	
0325	Igniters	1.4 G	See Entry for UN No 0121
0353	Articles, explosive, NOS	1.4 G	
0454	Igniters	1.4 S	See Entry for UN No 0121

UN NO	NAME and DESCRIPTION	CLASS/DIVISION	GLOSSARY (to be used as a guide for information only)
Group S			
0131	Lighters, fuse	1.4 S	Lighters, fuse Articles of various design actuated by friction, percussion or electricity and used to ignite safety fuse.
0349	Articles, explosive, NOS	1.4 S	
0368	Fuzes, igniting	1.4 S	