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EUROPEAN DIRECTIVE 2013/29/EU AND PERSON WITH SPECIALIST KNOWLEDGE

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ABSTRACT

On June 12, 2013 the European Parliament and the Council adopted the Directive 2013/29/EU [1] on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles. Although this Directive lays down principally rules on the accreditation of conformity assessment bodies, on the framework for the market surveillance of products and for controls on products from third countries, and on the general principles of the CE marking, it also requires identification and authorisation of what is called ‘person with specialist knowledge’ to handle and/or use of certain categories of articles. These categories, defined in the Directive, are category F4 fireworks, category T2 theatrical pyrotechnic articles and category P2 other pyrotechnic articles which concerns pyrotechnics usually known as articles for professional uses. The process of identification and authorisation is remained in the hands of each European Member States.

We give in this paper example of the type of pyrotechnic articles concerned by these categories and we present the different approaches followed by the Member States for the identification, authorisation and training of person with specialist knowledge on their territories.

Introduction

On June 12, 2013 the European Parliament and the Council adopted the Directive 2013/29/EU on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles. This Directive is taken as a recast of the Directive 2007/23/EC [2] following the adoption of the “New Legislative Framework” according to the Decision N° 768/2008/EC [3]. Although this Directive lays down principally rules on the accreditation of conformity assessment bodies, on the framework for the market surveillance of products and for controls on products from third countries, and on the general principles of the CE marking, it also requires identification and authorisation of what is called ‘person with specialist knowledge’ (PWSK) to handle and/or use of certain categories of articles.

Categories of articles concerned by PWSK

The pyrotechnic articles in the scope of the Directive 2013/29/EU are divided in different categories according to their types and hazard, see Table 1. The categories F4 fireworks, T2 theatrical pyrotechnic articles and P2 other pyrotechnic articles (showed in bold characters) are the three categories requiring special attention for their placing on the market as they must be made available only to people having adequate competencies. In most of the cases these articles refer to pyrotechnics usually known as ‘articles for professional uses’ but not only. The categorization is based on the hazard that may present the article and/or its handling and use, in this sense there is no reference to an initial category of users. An article that

would have an interest to be used by the general public may be categorized in F4, T2 or P2 and consequently could not be made available to this category of users.

Type of article	Category	Definition
Fireworks	F1	Fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings
	F2	Fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas
	F3	Fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health
	F4	Fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge (commonly known as fireworks for professional use) and whose noise level is not harmful to human health
Theatrical pyrotechnic articles	T1	Pyrotechnic articles for stage use which present a low hazard
	T2	Pyrotechnic articles for stage use which are intended for use only by persons with specialist knowledge
Other pyrotechnic articles	P1	Pyrotechnic articles, other than fireworks and theatrical pyrotechnic articles, which present a low hazard
	P2	Pyrotechnic articles, other than fireworks and theatrical pyrotechnic articles, which are intended for handling or use only by persons with specialist knowledge

Table 1: List of categories of pyrotechnic articles

In this paper we will concentrate on other pyrotechnic articles of category P2. Unlike fireworks or theatrical pyrotechnic articles which are types of articles having certain similarity in construction and use, the P2 category includes all other types of articles that necessarily mean more heterogeneity in this category. As examples of articles belonging to this category we can name: rock breaking cartridge, anti-hail rocket, powerful extinguisher system, some fuses and igniters, large gas generators...

This variety of articles of category P2 makes it difficult to have common prescriptions for safe use and handling. It is also in most of the cases not possible to display safety instructions only on the label of the article. And usually the handling of such articles requires skills knowledge and experience that need to be obtained by practice.

Person with specialist knowledge (PWSK)

A person with specialist knowledge (PWSK) is defined in the Directive 2013/29/EU as a person authorised by a Member State to handle and/or use on its territory category F4 fireworks, category T2 theatrical pyrotechnic articles and/or category P2 other pyrotechnic articles. This definition places the responsibility on the EU Member States for the process of identification and authorisation of PWSK. It also by consequence makes the definition of a PWSK dependent of the requirement applied by the different Member States.

EU Member States shall inform the European Commission of the procedures they use to identify and authorise person with specialist knowledge. These procedures should not hinder the free circulation of European workers which supposes a kind of equivalency between the different procedures or more exactly an equivalent level of requirement. A formal recognition of the procedures is not expected for the moment.

The different procedures put in place by the Member States are usually based on some security screening of the records of the person (no criminal activities...) and other prerequisite to fulfil age limit, good mental health and basic education, a training course which includes a theoretical and a practical course

and an examination of the knowledge. The training courses may vary from a few hours to more than week. The theoretical training includes topics on general safety and hazard related to the products, regulation for use, storage and transport of pyrotechnics. The practical course covers operating instructions, handling and functioning of the article. In some cases it is also required that the person demonstrate a certain number of year of experience in using the article. The examination includes an evaluation of the theoretical and practical knowledge of the person.

To take into account the large variety of articles in category P2, some Member States defined processes including different levels of authorisation or authorisation for specific task such as picking, packaging of articles, handling or use. The authorisation can be then limited to certain types of articles and operations with them.

The authorisation or approval of the PWSK is usually granted for a limited period of 3 to 5 years and is subject to either a reassessment of the knowledge of the person by taking a short examination or a renewing of the authorisation based on justification that the person maintained its knowledge. This demonstration can be done for example by evidence that the person has regularly used the articles for which he is qualified.

Conclusion

If the Directive 2013/29/UE contributes largely to the harmonization of the regulation applicable in the different EU Member States and must increase the level of safety in the pyrotechnic articles placed on the European Market, there are still some minor differences in the identification and authorisation process for person with specialist knowledge applied by the Member States. These differences are most of the time not based on technical requirement for the skills of the people but on knowledge that may have people from the general regulations and languages of the different countries.

References

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