

## General Guidance - Fireworks in Ireland

### What is a firework?

Fireworks include items which burn and explode to give a loud noise and a visual effect.

Examples include sparklers, bangers, fountains and rockets. An actual definition of fireworks<sup>1</sup> (and other pyrotechnic articles<sup>2</sup>) may be found in the relevant legislation, S.I. No. 1 of 2010.

### Why are they dangerous?

Fireworks are generally classified as explosives and the most common constituent is black powder (gunpowder). Some fireworks contain even more dangerous substances. All fireworks are designed either to explode (bangers, rockets, roman candles, shells) or burn at high temperature emitting sparks and other effects (sparklers, fountains) etc.

### What is the law regarding fireworks in Ireland?

Fireworks, because they are explosives, are regulated under the Explosives Act 1875, (as amended by the Criminal Justice Act 2006), which requires that fireworks, (except Christmas crackers<sup>3</sup>), can only be imported into

---

<sup>1</sup> Fireworks means a pyrotechnic article intended for entertainment purposes.

<sup>2</sup>Pyrotechnic article means any article containing explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions, which includes fireworks, marine flares, air bag cartridges, and many others.

<sup>3</sup> Note that Christmas crackers in their retail packaging are NOT considered to be explosives under the Explosives Act 1875 due to the nature of the article, packaging and the

the country under licence, and stored and sold in accordance with the explosives law.

Fireworks are now also subject to new EU legislation.

### What is the EU law on Fireworks?

From 04 July 2010 an EU Directive<sup>4</sup> on the Placing on the Market of Pyrotechnics articles came into partial effect, (see transitional period measures below). A new Irish Regulation - S.I. No. 1 of 2010, (as amended by S.I. No 416 of 2010)- gives effect to this Directive in Ireland - a copy of which may be accessed at [www.justice.ie](http://www.justice.ie). This Directive, when fully enacted, will provide important new measures to increase safety to the consumers, while regularising how all fireworks are categorised and placed on the market.

### What are the new safety measures which apply to fireworks under the new Directive?

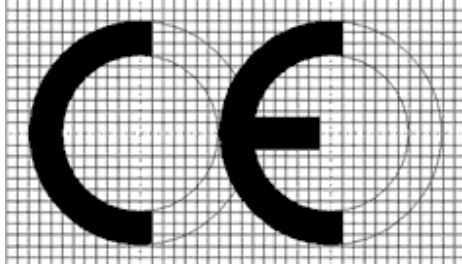
When the Directive comes into full effect, Ireland and the EU will have many stringent rules for manufacturers, importers and distributors that are designed to ensure that individuals buy safe fireworks. All permissible fireworks in Ireland will therefore have to meet a number of essential safety requirements and relevant standards. These rules also state that any fireworks placed on the market in the EU must, by the end of the transitional period, carry a CE mark to show that it conforms to these safety requirements.

---

very small amount of pyrotechnic material in each. However bulk packages of the Cracker Snaps themselves (e.g. for manufacture of the crackers) are held to be explosives and require an import license and storage in a registered or licensed premises

<sup>4</sup> Directive 2007/23/EC

### What is a CE mark?



The European Union CE Mark is an indication that the product conforms to the essential safety requirements as assessed under the relevant European standards of safety in design. For example, the noise level of a firework must not exceed certain levels, a firework must have certain safety features to prevent against inadvertent ignition, etc.

### What are the Categories of Fireworks?

Fireworks will be categorised into four categories, depending on their hazard and whether they require specialist knowledge to use them. The least hazardous is Category 1 and the most hazardous is Category 4, (which can only be used by professional operators). Under the Directive, the sale of what is known as Category 1 fireworks to the general public will be regularised.

### What is a Category 1 firework?

A category 1 firework is one which presents a very low hazard and negligible noise level and which is intended for use in confined areas, including indoors. A list of typical fireworks considered to be Category 1 is attached at Appendix 1 – however the more common examples include party poppers, certain sparklers, throw-downs and Christmas crackers.



Bangers **are not** Category 1 fireworks and so their importation/possession/use by the general public remains illegal<sup>5</sup>.

### What about Category 2, 3 and 4 Fireworks?

Category 2, 3 and 4 fireworks present a much greater hazard and noise level than those of Category 1. Examples include bangers, rockets, fountains, roman candles, shells and aerial wheels. These items will **remain restricted** in the State in terms of the sale to and use by the general public, and will only be available for use in organised displays by professional operators, as was the case for the past number of years.

### What are the dangers of fireworks?

All fireworks are or contain explosives. It goes without saying that great care should be taken when using them. Many people are however under the impression that Category 1 fireworks, in particular, are completely harmless. This is not true. In fact, a burning sparkler can get up to six times as hot as a hot pan of cooking oil, and the metal wire used for holding the sparkler can get red hot at the burning end. The misuse

---

<sup>5</sup> Bangers are banned since the Criminal Justice Act 2006 amended the Explosives Act 1875.

of sparklers are to blame for a great deal of injuries to children.



Party poppers can also cause eye injuries if discharged at close proximity towards a persons face. That is why it is essential that all fireworks are properly supervised and used strictly in accordance with manufacturer's instructions and warnings to be found on the label or package.

each Member State can continue to sell fireworks which were previously authorised. Our transitional measures are specified in S.I. No 416 of 2010, which in effect permits fireworks which were lawful to manufacture or import up to 4 July 2010, to continue to be sold until such time as CE marked fireworks become fully available. Typically such fireworks are manufactured and marked as compliant to a national standard, such as BS 7114 (British Standard) or EN 14035).

### Buying Category 1 Fireworks

#### Is there an Age Limit for buying Category 1 fireworks?

You must be 16 before you can purchase Category 1 fireworks. Always buy from a reputable store. It is an offence for a retailer to sell to someone under 16 years of age.

#### What will apply during the Transitional period?

It will take some time before CE compliant fireworks become available across Europe. The Directive provides for a transitional period to allow legally authorised stocks to be sold ,and to allow the phasing in of harmonised standards to enable the EU manufacturers, importers and distributors to produce and place CE marked fireworks on the market, During this period,

### **What are the Labelling requirements for Category 1 fireworks?**

The following minimum labelling (in English or Irish), is required to be on any fireworks (or their packaging) offered for sale:

#### Fireworks which are fully CE Compliant

- CE mark (Reg 11)
- Name of manufacturer or importer
- Name and type of article
- Minimum age limit applicable (16 for Cat 1): (e.g. "Must not be sold to persons under 16 years of age")
- Category of article (e.g. Category 1 firework)
- Instructions for use
- Min safety distance (where appropriate)
- NEQ of active explosive material.
- Where appropriate "For outdoor use only" and a min safety distance

#### Fireworks authorised under transitional measures;

- Name and type of article
- Instructions for use

- Minimum safety distance (where appropriate)
- Other labelling requirements as required by the relevant Member State National Standard (e.g. Complies with BS 7114: Part 2: 1988, or "Complies with EN 14035), where applicable.

If fireworks are offered for sale which do not conform to either labelling system, or in particular have no safety information such as instructions for use, you should bring this to the attention of the distributor/seller.

### **What are the Importation requirements for importers of Category 1 fireworks?**

Under existing explosives legislation, an importation licence from the DJLR is required for all fireworks (except Christmas crackers). For more information see 'Guidance for importers and Distributors of Category 1 fireworks' on [www.justice.ie](http://www.justice.ie) where the relevant application form may also be found.

### What about importation of fireworks for firework displays?

Import licenses are also issued by the DJLR for fireworks for display purposes (i.e. those required for use in organised firework displays conducted by professional operators). Examples of such displays include e.g. the Skyfest Festival held each year in Ireland and other professional fireworks displays held at weddings and local festivals. The DJLR does **not** issue a licence for the firework display or event.



To import fireworks into the country for a professional fireworks display see "Guidance Document on Organised Pyrotechnic Displays" at [www.justice.ie](http://www.justice.ie) for further information, and the relevant application form.

### What are the penalties for the illegal possession or misuse of fireworks?

The only fireworks which can currently be legally bought and used in the State by the general public are the low hazard (Category 1) fireworks. All other fireworks imported, held, sold or used in this country (apart from those imported under licence e.g. for professional displays), are **illegal**. The Criminal Justice Act 2006 introduced new offences and penalties relating to illegal possession or misuse of fireworks:

- It is an offence to throw an ignited firework at any person or property, and with the exception of low hazard fireworks;
- It is an offence for any person to possess an unlicensed<sup>6</sup> firework,
- It is an offence for any person to possess an unlicensed firework with intent to sell or supply,
- It is an offence to light unlicensed fireworks.

The penalty for these offences is a fine of up to €10,000 or 5 years imprisonment or both. A number of further offences are also created under the new Pyrotechnic Regulations, including that of :

- Selling Category 1 Fireworks to anyone aged under 16
- Distributors not acting with due care, or distributing articles not compliant with the regulations.
- Persons placing articles on the market which are not properly labelled or which when properly stored and used for its intended purpose endangers the health and safety of persons.

---

<sup>6</sup> "Unlicensed firework" means a firework which has been imported without an import license issued by DJE under the Explosives Act.

## **Appendix 1**

### **Typical Category 1 fireworks<sup>7</sup>**

Bengal flames  
Bengal matches  
Bengal sticks  
Christmas Crackers  
Crackling granules  
Flash pellets  
Fountains  
Ground spinners  
Hand Held sparklers  
Novelty Matches  
Party Poppers  
Serpents  
Snaps  
Table bombs  
Throw downs

### **Additional Information - See [www.justice.ie](http://www.justice.ie)**

#### **for Importers, Distributors & Retailers:**

*Guidance on Legal Obligations for Importers, Distributors and Retailers of Category 1 Fireworks*

#### **for Fire Officers, Distributors and Retailers etc:**

*GIE Guidance on Storage of Pyrotechnic Articles in Retail & Distribution Centres*

#### **for Professional Operators :**

*Guidance document on Organised Pyrotechnic Displays*

#### **for Law on Explosives:**

*Guidance Notes on Explosives Legislation*

European Communities (Placing on Market of Pyrotechnic Articles) Regs 2010 - S.I. no 1 of 2010, S.I. No 416 of 2010, and to download other Acts and Statutory Instruments: See [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

### **For general information on import, manufacture, storage, transport or sale of fireworks:**

Crime 4 (Firearms & Explosives) Division  
Department of Justice and Equality  
94 Stephen's Green  
Dublin 2  
Tel: (01) 6028388/8345  
Fax: (01) 6028374  
E-mail: [explosives@justice.ie](mailto:explosives@justice.ie)

### **For general Consumer Product Safety Information:**

i.e. for information on European Communities (General Product Safety) Regulations 2004 - (S.I. No. 199 of 2004).  
National Consumer Agency  
4 Harcourt Road  
Dublin 2  
Tel: (01) 402 5500 (businesses)  
1890 432 432 or (01) 402 5555 (Consumers)  
Fax: (01) 402 5501  
E-mail: [query@nca.ie](mailto:query@nca.ie)

*Please note that this document is to be seen as a guidance document only. It is not a legal interpretation of, or substitution for, the legislation, and is non-exhaustive. The guidance may be amended or updated from time to time without notice. Note that this revision replaces the version of 03 September 2010.*

*Current version 02 November 2012*

---

<sup>7</sup> Provided they meet the requirements of the relevant standards, including net explosive content