Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

8 July 2011 [shall come into force on 21 July 2011];

11 June 2015 [shall come into force on 14 July 2015];

4 June 2020 [shall come into force on 16 June 2020].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima* 1 has adopted and

the President has proclaimed the following law:

**Law on the Circulation of Pyrotechnic Articles**

**Chapter I**

**General Provisions**

**Section 1. Terms Used in this Law**

The following terms are used in this Law:

1) **importer** – a natural or legal person registered in a European Union Member State or State of the European Economic Area which applies the requirements for the circulation and supervision of pyrotechnic articles provided for in this Law (hereinafter – the European Economic Area State) who places pyrotechnic articles of a third country on the market of a European Union Member State or the European Economic Area State;

11) **withdrawal** – a measure aimed at preventing a pyrotechnic article from being made available on the market;

2) **distributor** – a natural or legal person involved in the supply chain, other than the manufacturer or importer, who makes a pyrotechnic article available on the market;

3) **placing on the market** – the first making available of a pyrotechnic article on the market of a European Union Member State or European Economic Area State;

4) **military pyrotechnics** – a pyrotechnic article specially manufactured for military needs or for ensuring public safety and order;

5) **person with specialist knowledge** – a person who is authorised to use and handle Category F4 fireworks, Category T2 theatrical pyrotechnic articles or Category P2 pyrotechnic articles in the Republic of Latvia;

51) **making available on the market** – any supply of pyrotechnic articles for the distribution, consumption, or use on the market of a European Union Member State or European Economic Area State in the course of commercial activity, whether or not for consideration;

6) **applicable standard** – the harmonised standard specified in Article 2(1)(c) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council;

7) **pyrotechnic article** – an article containing explosive substances or explosive mixtures of substances which is intended for the production of heat, light, sound, gas, smoke or a combination of such effects through self-sustained exothermic chemical reaction;

71) **recall of a pyrotechnic article** – a measure aimed at achieving the return of a pyrotechnic article that has been made available to the end-user;

8) **circulation of pyrotechnic articles** – the manufacture, placing on the market, bringing into the Republic of Latvia, taking out therefrom, importation, exportation of pyrotechnic articles or the propellants thereof, making transit transactions, carrying, transportation, conveyance, acquisition, sale, making intermediary transactions, storage, recording, labelling, use, withdrawal, destruction, provision of pyrotechnic services;

9) **propellant** – an explosive substance or an explosive mixture of substances which is used in the manufacture of pyrotechnic articles;

10) **manufacturer** – a natural or legal person which manufactures a pyrotechnic article or which has developed or manufactured a pyrotechnic article and places it on the market with its trademark or brand;

11) **signal device** – an article or mechanism specially built only for giving a pyrotechnic light, sound, or smoke signal;

12) **theatrical pyrotechnic articles** – pyrotechnic articles intended for indoor or outdoor use on a stage, including for the production of cinematographic films and television broadcasts or similar purposes;

13) **pyrotechnic articles for vehicles** – components of safety devices in vehicles containing pyrotechnic substances used to activate these or other devices;

14) **firework** – a pyrotechnic article intended for entertainment purposes.

[*11 June 2015*]

**Section 2. Purpose of the Law**

The purpose of this Law is to determine the rights and obligations of natural and legal persons in respect of the circulation of pyrotechnic articles in the Republic of Latvia, and also the basic safety requirements for pyrotechnic articles in order to ensure free movement of these articles, public safety, protection of human health and environment, and also safety of consumers and professional users.

**Section 3. Scope of Application of this Law**

(1) The Law shall apply to pyrotechnic articles, except for:

1) equipment falling within the scope of the laws and regulations governing requirements for marine equipment;

2) pyrotechnic articles used in the aviation and aerospace industry;

3) percussion caps intended specifically for toys which fall within the scope of the laws and regulations governing requirements for toy safety;

4) explosives falling within the scope of the laws and regulations governing the circulation of explosives intended for civil needs;

5) ammunition (projectiles and charges), and also blank ammunition used in firearms and other weapons;

6) pyrotechnic articles used by the National Armed Forces, the institutions of the system of the Ministry of the Interior, and also other State and local public institutions for non-commercial purposes to ensure their activities in accordance with the laws and regulations governing their activity.

(2) As regards the signal devices subject to the laws and regulations governing the requirements for equipment of seagoing ships, this Law shall apply only in the part regarding the licensing and storage of the abovementioned signal devices.

(3) This Law shall not apply to the provisions for the circulation of military pyrotechnics determined by the laws and regulations governing the circulation of goods of strategic significance.

(4) The requirements laid down in this Law regarding conformity assessment and labelling shall not apply to fireworks which have been manufactured by a manufacturer for own use in the Republic of Latvia and which are not made available on the market.

[*11 June 2015*]

**Chapter II**

**Categorisation, Basic Safety Requirements, and Conformity Assessment of Pyrotechnic Articles**

**Section 4. Categorisation and Conformity Assessment of Pyrotechnic Articles**

(1) Pyrotechnic articles shall be categorised by the manufacturer according to their type of use, purpose, and level of hazard and the noise level produced by these articles.

(2) Pyrotechnic articles shall, depending on the propellant content, safety distances, noise level and other operational characteristics and properties, be divided as follows:

1) fireworks:

a) Category F1 – fireworks presenting a very low hazard and negligible noise level which are intended for use in confined premises, including fireworks intended for use inside domestic buildings;

b) Category F2 – fireworks presenting a low hazard and low noise level which are intended for outdoor use in confined areas;

c) Category F3 – fireworks presenting a medium hazard which are intended for outdoor use in large open areas and whose noise level is not harmful to human health;

d) Category F4 – fireworks presenting a high hazard which are intended for use only by persons with specialist knowledge (fireworks for professional use) and whose noise level is not harmful to human health;

2) theatrical pyrotechnic articles:

a) Category T1 – low hazard pyrotechnic articles for stage use;

b) Category T2 – pyrotechnic articles for stage use intended for use only by persons with specialist knowledge;

3) other pyrotechnic articles:

a) Category P1 – pyrotechnic articles other than fireworks and low hazard theatrical pyrotechnic articles;

b) Category P2 – pyrotechnic articles other than fireworks and theatrical pyrotechnic articles intended for use only by persons with specialist knowledge;

4) [11 June 2015].

(3) The category of the pyrotechnic article assigned by the manufacturer shall be approved and the conformity assessment of pyrotechnic articles shall be performed by the notified body.

(4) [11 June 2015]

(5) The Ministry of Economics shall, in accordance with the procedures laid down in the laws and regulations governing conformity assessment, notify the European Commission, and also the European Union Member States and the European Economic Area States (hereinafter – the Member States) of the pyrotechnic article conformity assessment bodies (hereinafter – the notified body).

(6) If the notified body no longer meets the requirements laid down for it or fails fulfil its obligations, the Ministry of Economics shall inform the European Commission and the Member States of restriction, suspension, or withdrawal of a notification.

[*11 June 2015*]

**Section 5. Conformity Assessment, Labelling, and Registration of Pyrotechnic Articles, and also Requirements for the Notified Body**

(1) The principles for the conformity assessment of pyrotechnic articles and requirements for the authorities performing the conformity assessment procedure shall be determined by the laws and regulations regarding conformity assessment.

(2) The identification and conformity assessment procedures of pyrotechnic articles, the requirements for the labelling and registration of pyrotechnic articles, and also the requirements for the notified body shall be determined by the Cabinet.

[*11 June 2015*]

**Chapter III**

**Licensing of Commercial Activity**

**Section 6. Special Permits (Licences)**

(1) Natural and legal persons, and also manufacturers, importers, and distributors shall require a special permit (licence) for commercial activities with Category F2, F3, or F4 fireworks, Category T1 or T2 theatrical pyrotechnic articles or their propellants. The special permit (licence) shall also be necessary for the manufacture of Category F1 fireworks or their propellants.

(2) The special permits (licences) referred to in Paragraph one of this Section, shall be issued, suspended or revoked by the State Police. The State Police shall establish a Licensing Commission comprising no less than five persons for the issue of special permits (licences).

(3) A merchant shall need to receive a duplicate of the special permit (licence) if the special permit (licence) has been damaged, lost or stolen, and a repeated special permit (licence) if the information indicated therein on the merchant have changed or another place for the manufacture, storage, or sale of pyrotechnic articles has been arranged.

(4) A State fee shall be paid for the issuance of a special permit (licence), a duplicate thereof and a repeated special permit (licence).

(5) The State Police shall include in the Register of Licences and Certificates information on special permits (licences), individual merchants, and persons who have hold offices in the administrative bodies of a merchant, and also employees which are subject to the restrictions provided for in this Law. The manager of the Register shall be the Information Centre of the Ministry of the Interior.

(6) The Cabinet shall determine the extent of the information to be included in the Register of Licences and Certificates, and the procedures for inclusion, use and deletion of such information, and also the authorities to which access shall be granted to the information entered therein.

(7) [11 June 2015]

[*11 June 2015*]

**Section 7. Restrictions for Issuing the Special Permit (Licence)**

(1) The special permit (licence) shall be issued to individual merchants and commercial companies if the individual merchant or persons holding offices in the administrative bodies of the merchant, and the employees of the merchant directly related to the manufacture, storage, or sale of pyrotechnic articles or the provision of pyrotechnic services, are at least 18 years of age and if the restrictions referred to in Paragraph two of this Section do not apply thereto and to the merchant.

(2) It is prohibited to issue the special permit (licence):

1) if an individual merchant or a person holding an office in an administrative body of the merchant, or an employee of the merchant directly related to the manufacture, storage, or sale of pyrotechnic articles or to the provision of pyrotechnic services:

a) has been sentenced for a serious or especially serious crime or a criminal violation or less serious crime committed under the influence of alcoholic beverages, narcotic or other intoxicating substances; for refusing to undergo blood alcohol test or a test for narcotic, psychotropic, toxic, and other intoxicating substances; for hooliganism or resistance to representatives of the law or another State official – prior to the sentence being extinguished or set aside;

b) has been sentenced for committing the criminal offence provided for in Clause 1, Sub-clause “a” of this Paragraph, being released from sentence if a year has not passed from the day when the ruling on the release from sentence entered into effect;

c) has been released from criminal liability for committing the criminal offence provided for in Clause 1, Sub-clause “a” of this Paragraph if a year has not passed from the day when the relevant decision entered into effect;

d) has been conditionally released from criminal liability for committing the criminal offence provided for in Clause 1, Sub-clause “a” of this Paragraph if the probationary period has not passed;

e) has been given the status of the accused in criminal proceedings for committing the criminal offence provided for in Clause 1, Sub-clause “a” of this Paragraph;

f) has been punished administratively for violations of the regulations for the circulation of pyrotechnic articles; offences committed under the influence of alcoholic beverages, narcotic, or other intoxicating substances; for refusing to undergo blood alcohol test or a test for narcotic or other intoxicating substances; for minor hooliganism or for malicious non-compliance with the lawful order or request of an employee of a police institution, border guard or national guard if a year has not passed since the execution of the administrative punishment;

2) if to an individual merchant or a person holding an office in an administrative body of the merchant, or an employee of the merchant directly related to the manufacture, storage, or sale of pyrotechnic articles or to the provision of pyrotechnic services:

a) psychiatric disorders have been diagnosed;

b) addiction to alcoholic, narcotic, psychotropic, or toxic substances has been diagnosed;

3) a merchant whose special permit (licence) for commercial activities with pyrotechnic articles or commercial activities with weapons, ammunition, special means, explosives, firing sets has been revoked – less than a year after its revocation;

4) a merchant whose participant is a legal person whose special permit (licence) for commercial activities with pyrotechnic articles or commercial activities with weapons, ammunition, special means, explosives, or firing sets has been revoked within the last year;

5) a merchant whose participant or an official of its administrative body is a natural person who has been an individual merchant or participant of a merchant whose special permit (licence) for commercial activities with pyrotechnic articles or commercial activities with weapons, ammunition, special means, explosives, or firing sets has been revoked within the last year, or who was entitled to represent such merchant.

(3) The Cabinet shall determine the requirements for the receipt of the special permit (licence), the requirements which shall be fulfilled during the validity period of the special permit (licence), the procedures by which the special permit (licence), the duplicate thereof or a repeated special permit (licence) shall be issued to a merchant, the special permit (licence) shall be revoked, the validity of the special permit (licence) shall be suspended, and also the amount and procedures for the payment of the State fee payable for the issuance of the special permit (licence), the duplicate thereof and a repeated special permit (licence).

[*11 June 2015*]

**Section 8. Suspending the Validity and Annulment of Special Permit (Licence)**

(1) The State Police may, for up to 60 days, suspend the validity of a special permit (licence) fully or regarding any place indicated in the special permit (licence) for the manufacture, storage or sale of pyrotechnic articles in order to terminate violations of the regulations for the manufacture, storage, transportation, sale, or use of pyrotechnic articles specified in this Law and in other laws and regulations.

(2) The State Police shall revoke a special permit (licence), if:

1) the merchant violates requirements of this Law;

2) the merchant has knowingly provided false information to receive a special permit (licence);

3) it is determined by another law or a court ruling;

4) it has been found that the merchant is subject to the restrictions for the issue of the special permit (licence) referred to in Section 7 of this Law.

[*4 June 2020* / *Amendments to Paragraph one regarding the right of the State Police to suspend the validity of a special permit (licence) fully or in any part thereof shall come into force on 1 July 2020.* *See Paragraph 8 of Transitional Provisions*]

**Section 9. Appeal of a Decision**

The decision to refuse to issue a special permit (licence), suspend the validity or revoke the special permit (licence) may be contested and appealed in accordance with the procedures laid down in the Administrative Procedure Law. The contesting or appeal of the decision shall not suspend its operation and implementation.

**Chapter IV**

**Regulations for Commercial Circulation of Pyrotechnic Articles**

**Section 10. Making Pyrotechnic Articles Available on the Market**

(1) Pyrotechnic articles shall only be placed and made available on the market if they meet the essential safety requirements, have been identified, have been stored correctly and labelled, if instructions for use and safety information in easily understandable official language have been appended thereto, corresponding technical documentation is available, conformity assessment has been performed and it is certified by the European Conformity Marking CE (hereinafter – the CE conformity marking), and also if pyrotechnic articles do not endanger human health and safety when stored correctly and used for the intended purpose.

(2) At annual fairs, trade exhibitions, and demonstrations for the marketing of pyrotechnic articles, also such pyrotechnic articles which do not meet the stipulated requirements may be demonstrated and used if there is a visible indication on the article or its packaging that informs of such non-conformity, includes the name and date of the annual fair, trade exhibition and deminstration, and also states that such pyrotechnic articles are not available for sale until brought into conformity.

(3) The use and availability on the market of such pyrotechnic articles intended for research, development, and testing purposes shall be permitted in the Republic of Latvia which do not meet the stipulated requirements if there is a visible indication on the article or its packaging that informs of such non-conformity and use for research, development and testing purposes.

[*11 June 2015*]

**Section 11. Obligations of the Manufacturer, Importer, Distributor, and Provider of Pyrotechnic Services**

The obligations of the manufacturer, importer, distributor, and provider of pyrotechnic services shall be determined by the Cabinet.

[*11 June 2015*]

**Section 12. Conditions for the Manufacture, Storage, and Sale of Pyrotechnic Articles**

(1) A merchant has the right to manufacture fireworks, theatrical pyrotechnic articles and the propellants thereof, store and sell Category F2, F3, or F4 fireworks and Category T1 or T2 theatrical pyrotechnic articles and the propellants thereof only in specially equipped premises whose address is indicated in the special permit (licence), and only pyrotechnic articles from the category containing the total amount of propellant which is indicated in the special permit (licence).

(2) Merchants, including manufacturers, importers and distributors, shall sell or otherwise make available Category F4 fireworks and Category T2 theatrical pyrotechnic articles only to those merchants who have received the special permit (licence) for the provision of pyrotechnic services, or to those legal persons which use pyrotechnic articles for making cinematographic films or television broadcasts, theatrical performances or other art and entertainment events, and Category P2 pyrotechnic articles, only to those merchants which use pyrotechnic articles in the manufacture or repair of vehicles or other equipment or devices. The employees of the abovementioned merchants and legal persons who are directly related to the storage and use of these pyrotechnic articles shall be persons with specialist knowledge.

(3) Category F1, F2 and F3 fireworks, Category T1 theatrical pyrotechnic articles and Category P1 pyrotechnic articles may not be sold or otherwise made available to persons who have not reached the relevant age specified in this Law.

(4) Fireworks and theatrical pyrotechnic articles whose basic effect is the creation of noise similar to an explosive noise (petards and the prototypes thereof) may be sold or otherwise made available only to the categories of persons specified in this Law.

(5) When advertising and offering fireworks and theatrical pyrotechnic articles on the Internet, it is prohibited to supply and sell them in retail trade outside the specially equipped location of trade indicated in the special permit (licence).

(6) Fireworks and theatrical pyrotechnic articles may not be sold or otherwise made available to users if their instructions for use are not appended to these articles, their packaging or each such article separately.

(7) [11 June 2015 / See Paragraph 3 of Transitional Provisions]

(8) [11 June 2015 / See Paragraph 3 of Transitional Provisions]

(9) Other Category P1 pyrotechnic articles intended for vehicles, including airbag and seat belt pre-tensioner systems, may only be made available to persons who require the relevant pyrotechnic articles for the needs of professional occupation, unless the abovementioned pyrotechnic articles for vehicles have been integrated in a vehicle or a detachable part of a vehicle.

[*11 June 2015* / *Amendment regarding the deletion of Paragraphs seven and eight shall come into force on 1 January 2016.* *See Paragraph 7 of Transitional Provisions*]

**Section 13. Provision of Pyrotechnic Services**

(1) In order to use fireworks and theatrical pyrotechnic articles for commercial purposes, for the creation of smoke, noise, or light effects, for signalling or fireworks at festivities (for the demonstration of a salute), a merchant shall require a special permit (licence) issued by the State Police for the provision of pyrotechnic services.

(2) Only persons with specialist knowledge may use fireworks and theatrical pyrotechnic articles for the provision of pyrotechnic services.

**Section 14. Procedures for the Manufacture, Storage, Carrying, Transportation, Sale of Fireworks and Theatrical Pyrotechnic Articles, the Organisation of Commercial Exhibitions and Demonstrations (Use), and also the Provision of Pyrotechnic Services**

The Cabinet shall determine the procedures for the manufacture, storage, carrying, transportation, sale of fireworks and theatrical pyrotechnic articles, the organisation of commercial exhibitions and demonstrations (use), and also the provision of pyrotechnic services.

**Chapter V**

**Acquisition, Carrying, Transportation, Storage, and Use of Pyrotechnic Articles**

**Section 15. Right of Natural Persons to Acquire, Store, and Use Pyrotechnic Articles**

(1) A natural person who has reached 14 years of age has the right to acquire, store, and use Category F1 fireworks.

(2) A natural person who has reached 18 years of age has the right to acquire, store, and use Category F2 and F3 fireworks, Category T1 theatrical pyrotechnic articles and Category P1 pyrotechnic articles.

(3) Fireworks and theatrical pyrotechnic articles whose basic effect is to create a noise similar to an explosive noise (petards and the prototypes thereof) may be acquired, stored, and used at hunting by the persons who have received a hunting licence.

(4) Natural persons are prohibited from:

1) acquiring, storing, and using Category F4 fireworks, Category T2 theatrical pyrotechnic articles and Category P2 pyrotechnic articles;

2) handing over or otherwise making available Category F1 fireworks to natural persons who have not reached the age specified in Paragraph one of this Section;

3) handing over or otherwise making available Category F2 and F3 fireworks, Category T1 theatrical pyrotechnic articles and Category P1 pyrotechnic articles to natural persons who have not reached the age specified in Paragraph two of this Section;

4) handing over or otherwise making available the fireworks and theatrical pyrotechnic articles of the relevant category to legal persons who are not entitled to use pyrotechnic articles of the relevant type and category;

5) acquiring, storing, and using military pyrotechnics.

[*11 June 2015*]

**Section 16. Right of Legal Persons and State Institutions to Acquire, Store, and Use Pyrotechnic Articles**

(1) A merchant who has received the special permit (licence) referred to in Section 6 of this Law has the right to acquire the type and category of pyrotechnic articles which are indicated in the special permit (licence) and operate with them according to the type of operation indicated in the special permit (licence).

(2) Only a merchant who has received a special permit (licence) for manufacturing pyrotechnic articles is permitted to acquire pyrotechnic article propellants.

(3) Legal persons whose type of work is the making of cinematographic films or television broadcasts, the staging and demonstrating of theatrical performances or the organisation of other art and entertainment events have the right to acquire, store, and use Category F4 fireworks and Category T2 theatrical pyrotechnic articles, if at least one of the employees of the legal person is a person with specialist knowledge.

(4) Fireworks and theatrical pyrotechnic articles whose basic effect is the creation of noise similar to an explosive noise (petards and the prototypes thereof) may be acquired, stored and used by the merchants having received the special permit (licence) for the provision of pyrotechnic services, and also the legal persons referred to in Paragraph three of this Section.

(5) Legal persons who manufacture or repair vehicles or equipment and devices in which the relevant pyrotechnic articles are installed or which require them for technical purposes have the right to acquire, store, and use pyrotechnic articles for vehicles and other Category P1 and P2 pyrotechnic articles.

(6) The legal persons referred to in Paragraphs one, three, and five of this Section shall ensure that the Category F4 fireworks and Category T2 theatrical pyrotechnic articles at the disposal thereof are used and the work with Category P2 pyrotechnic articles is only performed by persons with specialist knowledge.

(7) It is prohibited for legal persons to handover or otherwise make available:

1) Category F1 fireworks to the natural persons who have not reached the age specified in Section 15, Paragraph one of this Law;

2) Category F2 and F3 fireworks, Category T1 theatrical pyrotechnic articles and Category P1 pyrotechnic articles to the natural persons who have not reached the age specified in Section 15, Paragraph two of this Law;

3) the fireworks and theatrical pyrotechnic articles of the relevant category to other legal persons who are not entitled to use the respective type and category of pyrotechnic articles.

(8) It is prohibited for legal persons, except for the legal persons referred to in Paragraphs one, three, and five of this Section to acquire, store and use Category F4 fireworks, Category T2 theatrical pyrotechnic articles and Category P2 pyrotechnic articles.

(9) The right of legal persons referred to in Paragraph three of this Section to acquire, store, and use in the operations thereof Category F4 fireworks and Category T2 theatrical pyrotechnic articles shall be certified by the State Police by issuing a written authorisation. The procedures for the issue of the abovementioned authorisation shall be determined by the Cabinet.

(10) Only the National Armed Forces, the State Police, the State Border Guard, the State Fire and Rescue Service, and the Prison Administration, and also other State authorities which have the right to use military pyrotechnics in the operations thereof granted by law may acquire, store, and use military pyrotechnics.

[*11 June 2015*]

**Section 17. Prohibitions and Restrictions for the Use of Pyrotechnic Articles**

(1) It is prohibited to use pyrotechnic articles if the use thereof endangers human life, health, property or may cause harm to environment, and also under the influence of alcoholic beverages, narcotic or other intoxicating substances.

(2) Fireworks and theatrical pyrotechnic articles shall be used in accordance with the instructions for use thereof and the safety requirements specified therein.

(3) A person who uses fireworks and theatrical pyrotechnic articles shall ensure:

1) the absence of persons, animals, vehicles, property of other persons and fire-hazardous and explosive articles in the danger zone during the use of pyrotechnic articles and following the use thereof, until it has been verified that all the projectiles have been operated;

2) the appropriate enlarging of the danger zone during strong winds. If the wind speed exceeds nine metres per second, the use of pyrotechnic articles is not permitted;

3) the inspection of the place of use of the pyrotechnic articles and of the un-operated or partly operated pyrotechnic articles, and the collection of the pyrotechnic cartridge elements and packaging of pyrotechnic articles, no sooner than the time specified in the instructions for use of the pyrotechnic articles.

(4) It is prohibited to use fireworks and theatrical pyrotechnic articles:

1) on the property of other private persons without the consent of the owner or possessor thereof;

2) in proximity of the land, buildings or vehicles in the ownership of other private persons if, by using the pyrotechnic articles, the projectiles, sparks or the residue thereof may fall on to the land, buildings, or vehicles of other private persons and these persons have not given the consent thereto;

3) indoors, except for Category F1 fireworks and theatrical pyrotechnic articles;

4) closer than 100 metres from fire-hazardous and explosive objects and the territories thereof, fuel tanks, gas cylinders and other flammable or fire-hazardous substances and materials,

5) closer than 100 metres from the facilities of manufacture and storage of dangerous substances and mixtures;

6) closer than 100 metres from zoological parks, fur–farms and livestock breeding facilities without the authorisation of the owner thereof;

7) beneath electricity low-voltage, high-voltage and communication lines, tree branches and other obstacles which may be reached by the pyrotechnic projectiles (substances), and also in tunnels;

8) closer than the safe distance indicated in the instructions for use of the pyrotechnic article from bridges, railways, motorways, road crossings, and transport route partings;

9) on road carriageways and pedestrian paths, unless a local government authorisation has been received;

10) closer than 100 metres from State and local government institutions, foreign diplomatic representations, churches and places of worship, medical treatment institutions, educational institutions, social care and social rehabilitation institutions, bus stations, railway stations, airports and passenger ports, unless the authorisation of the relevant authority has been received;

11) in the courtyards of multi-apartment houses if pyrotechnic rockets are being used.

(5) The relevant local government may, when issuing the binding regulations, restrict the place and time for the use of fireworks and theatrical pyrotechnic articles.

[*11 June 2015*]

**Section 18. Procedures for the Acquisition, Carrying, Transportation, and Storage of Fireworks and Theatrical Pyrotechnic Articles**

The Cabinet shall determine the procedures for the acquisition, carrying, transportation, and storage of fireworks and theatrical pyrotechnic articles.

**Chapter VI**

**Persons with Specialist Knowledge**

**Section 19. Document Certifying the Vocational Competence of the Person with Specialist Knowledge**

(1) In order for a natural person to be authorised to operate with Category F4 fireworks, Category T2 theatrical pyrotechnic articles or Category P2 pyrotechnic articles and use them in accordance with the procedures laid down in this Law, he or she shall require a certificate certifying the specialist knowledge of this person in the field of the circulation of pyrotechnic articles (hereinafter – the pyrotechnic certificate).

(2) A natural person need not receive the pyrotechnic certificate if this person has received a document comparable thereto from another European Union Member State or European Economic Area State certifying the vocational competence thereof.

(3) Persons having reached at least 18 years of age who have acquired appropriate profession or qualification in an educational institution or who have completed the necessary vocational education programme for the acquisition of a pyrotechnic certificate, or who have completed the necessary vocational in-service training or vocation oriented education programme for the acquisition of a pyrotechnic certificate and passed the qualification examination, are entitled to receive a pyrotechnic certificate, if the restrictions specified in Section 7, Paragraph two, Clauses 1 and 2 do not apply thereto.

(4) Procedures for the acquisition of the pyrotechnic certificate shall be determined by the Cabinet.

(5) A person whose pyrotechnic certificate has been revoked is entitled to receive a new certificate following the passing of the qualification examination provided for in Paragraph three of this Section, but no sooner than a year following the taking of the decision on the revocation of the certificate.

(6) A person shall need to receive the pyrotechnic certificate duplicate if the pyrotechnic certificate has been damaged, lost, or stolen, and a repeated pyrotechnic certificate if the personal data indicated therein has changed.

(7) A State fee shall be paid for the issue of the pyrotechnic certificate, the duplicate thereof and a repeated certificate. The amount of the State fee and its payment procedures shall be determined by the Cabinet.

(8) The State Police shall register information on the pyrotechnic certificate in the Register of Licences and Certificates. The Cabinet shall determine the extent of the information to be entered in the Register of Licences and Certificates, and the procedures for the entry, use and deletion of information, and also the authorities to which access to the information entered in this Register shall be granted.

[*11 June 2015*]

**Section 20. Revocation of Pyrotechnic Certificate**

(1) The State Police shall revoke the pyrotechnic certificate if:

1) a person with specialist knowledge violates the procedures for the acquisition, storage, recording, carrying, transportation, sale, and use of pyrotechnic articles or for the provision of pyrotechnic services specified in this Law;

2) the restrictions specified in Section 7, Paragraph two, Clauses 1 and 2 of this Law have taken effect.

(2) The decision to revoke the pyrotechnic certificate may be contested and appealed in accordance with the procedures laid down in the Administrative Procedure Law. The contesting or appeal of a decision shall not suspend the operation thereof.

[*11 June 2015*]

**Chapter VII**

**Supervision of the Circulation of Pyrotechnic Articles**

**Section 21. Control of the Circulation of Pyrotechnic Articles**

(1) The supervision of the circulation of pyrotechnic articles shall be performed by State administrative institutions according to the competence thereof.

(2) The control of the circulation of fireworks and theatrical pyrotechnic articles in respect of the implementation of the requirements provided for in this Law shall be performed by the State Police according to the competence thereof.

(3) The control of military pyrotechnics in respect of the implementation of the requirements provided for in this Law shall be performed by the Ministry of Defence according to the competence thereof.

**Section 22. Market Supervision**

(1) When implementing market supervision in accordance with this Law and the laws and regulations regarding the requirements for accreditation and market supervision in relation to trade in products, the authorities referred to in Section 21 of this Law are entitled, according to the competence:

1) to control and supervise the conformity of a pyrotechnic article with the essential safety requirements;

2) to request and receive, free of charge, information which is necessary for safety assessment of a pyrotechnic article or to perform the functions of the relevant institution;

3) to request and receive, free of charge, samples of a pyrotechnic article, to make control purchases for the purchase of a pyrotechnic article, and to organise a laboratory expert examination or expert examination of another kind of a pyrotechnic article in order to determine the conformity of the pyrotechnic article with the essential safety requirements if it is provided by the annual supervision and control programme approved by the relevant institution, if non-conformity of the pyrotechnic article with the essential safety requirements is suspected, or if a complaint has been received.

(2) After the controlling authority takes the final decision on the conformity of the pyrotechnic article with the requirements or during an expert examination it is established that the pyrotechnic article meets the requirements, the sample shall be returned if it has not been destroyed or used during expert examination.

(3) When supervising the circulation of pyrotechnic articles, the controlling authorities shall take into consideration the information provided by the European Commission on pyrotechnic articles which are not placed on the market, are prohibited or whose placing on the market is restricted.

(4) If the controlling authority has a justified reason to consider that a pyrotechnic article poses a serious risk to human health, safety or other public interests protected by law, it shall assess the relevant pyrotechnic article in accordance with all the requirements provided for in the laws and regulations regarding safety of pyrotechnic articles. The relevant manufacturer or importer and the distributor, if necessary, shall cooperate with the controlling authority.

(5) If the controlling authority establishes while carrying out the assessment of a pyrotechnic article referred to in Paragraph four of this Section that the pyrotechnic article does not meet the requirements laid down, it shall, in conformity with the conditions referred to in Article 21 of Regulation (EC) No 65/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (hereinafter – Regulation No 765/2008), request the relevant manufacturer, importer, or distributor to perform, depending on the risk posed, the necessary adjusting activities, achieving the conformity of the pyrotechnic article with the requirements laid down, or withdraw it from the market or recall within the period stipulated by the controlling authority.

(6) If the controlling authority establishes while carrying out the assessment of a pyrotechnic article referred to in Paragraph four of this Section that the pyrotechnic article meets the requirements laid down, however, poses risk to human health, safety or other public interests protected by law, it shall request the relevant manufacturer, importer, or distributor to perform, depending on the risk caused, the necessary adjusting activities, achieving that the pyrotechnic article no longer poses such risk, or withdraw it from the market or recall within the period stipulated by the controlling authority.

(7) If the controlling authority establishes that the pyrotechnic article has not been labelled in accordance with the requirements laid down in Article 30 of Regulation No 765/2008 or other laws and regulations regarding labelling of pyrotechnic articles, the European Union declaration of conformity has not been drawn up for the pyrotechnic article or it has been drawn up incorrectly, technical documentation of the pyrotechnic article is not available or incomplete, or the merchant has not fulfilled the requirements in relation to the information to be provided or other administrative requirements concerning the obligations of the manufacturer or importer, it shall request the merchant to eliminate the established non-conformity.

(8) If the merchant does not perform the activities indicated in Paragraphs five, six, and seven of this Section within the specified period or they are insufficient, the controlling authority which established the relevant risk or non-conformity shall take all the necessary measures to prohibit from or restrict making the relevant pyrotechnic articles available on the market, to withdraw them from the market or, where necessary, destroyed in appropriate conditions.

(9) The actions and decision of the controlling authority referred to in Paragraphs five, six, and eight of this Section may be contested and appealed in accordance with the procedures laid down in the Administrative Procedure Law. The contesting or appeal of a decision shall not suspend the operation thereof.

[*11 June 2015*]

**Section 22.1 Reimbursement of Expenditures for Market Supervision**

(1) Expenditures which are related to the transportation of the sample of a pyrotechnic article from the place where the sample was taken to the performer of expert examination and back or to the place where the sample will be destroyed, and also expenditures related to destruction of the sample shall be covered by the controlling authority.

(2) Expenditures for laboratory expert examination or expert examination of another kind of a pyrotechnic article shall be covered by the controlling authority.

(3) If it is established that the sample of a pyrotechnic article does not meet the essential safety requirements, the manufacturer, importer, or distributor of the pyrotechnic article from whom the samples were withdrawn shall, within five days after receipt of the document confirming expenditures, reimburse the expenditures referred to in Paragraph one of this Section. The expenditures referred to in Paragraph two of this Section shall be reimbursed:

1) by the manufacturer of the pyrotechnic article;

2) if the manufacturer of the pyrotechnic article is not registered in the Republic of Latvia – by the importer or distributor who was the first to offer pyrotechnic articles not meeting the essential safety requirements in the Republic of Latvia.

[*11 June 2015*]

**Section 23. Liability for the Violation of the Regulations for the Circulation of Pyrotechnic Articles**

[4 June 2020 / See Paragraph 8 of Transitional Provisions]

**Chapter VIII**

**Cooperation with the European Commission and Member States**

[*11 June 2015*]

**Section 24. Informing the European Commission and Member States of the Results of the Assessment Carried Out in the Republic of Latvia and Measures if the Pyrotechnic Article Poses a Serious Risk to Public Interests**

(1) If the controlling authority has grounds to consider that a pyrotechnic article for which the assessment referred to in Section 22, Paragraph four of this Law has been carried out and regarding which it has been established that such pyrotechnic article poses a serious risk to human health, safety or other public interests protected by law is being made available on the market also in another Member State, it shall inform the European Commission and Member States of the results of the assessment carried out in the Republic of Latvia and measures the taking of which has been requested from the relevant merchant.

(2) If the merchant has not taken the requested measures or they have been insufficient, and the controlling authority has acted in accordance with that specified in Section 22, Paragraph eight of this Law, it shall, without delay, inform the European Commission and Member States of the measures implemented thereby in relation to the pyrotechnic article posing risk, indicating any information available to such authority, including:

1) data necessary for the identification of the non-conforming pyrotechnic article;

2) information on the origin of the pyrotechnic article;

3) nature of the non-conformity and the risk posed thereby;

4) information on the measures taken in the Republic of Latvia, and also explanations and arguments provided by the relevant manufacturer, importer, or distributor;

5) indication that the pyrotechnic article does not meet the requirements for the protection of human health, safety, or other public interests or on the non-conformities found in the applicable standards references to which have been published in the Official Journal of the European Union.

(3) If none of the Member States or the European Commission has expressed objections against the measure taken by the controlling authority within three months after receipt of the information referred to in Paragraph two of this Section, it shall be considered as justified.

**Section 25. Actions of the Controlling Authority upon Receipt of a Notification on Pyrotechnic Articles Identified by Another Member State as not Conforming to the Requirements which Pose a Serious Risk to Public Interests**

(1) If the controlling authority, upon receipt of a notification from another Member State, establishes that a pyrotechnic article not conforming to the requirements of this Law which poses a serious risk to human health, safety, or other public interests protected by law is available also on the market of the Republic of Latvia, it shall, without delay, inform the European Commission and other Member States of the measures taken and provide the additional information at the disposal thereof in relation to non-conformity of the relevant pyrotechnic article. If the controlling authority has objections against measures taken by another Member State, it shall inform the European Commission and other Member States of such objections.

(2) The controlling authority shall inform the European Commission of the measures taken to ensure the withdrawal of the non-conforming pyrotechnic article from the market of the Republic of Latvia based on the information referred to in Section 22, Paragraph three of this Law.

**Section 26. Informing the European Commission and Member States of the Pyrotechnic Articles Meeting the Requirements which Pose Risk to Public Interests**

(1) If the controlling authority has grounds to consider that a pyrotechnic article for which the assessment referred to in Section 22, Paragraph four of this Law has been carried out and regarding which it has been found that it conforms to the laws and regulations regarding safety of pyrotechnic articles, however, poses risk to human health, safety, or other public interests protected by law, it shall, without delay, inform the European Commission and Member States, providing all the information available thereto, including:

1) data necessary for the identification of the relevant pyrotechnic article;

2) information on the origin and supply chain of the pyrotechnic article;

3) nature of the risk posed;

4) information on the measures taken in the Republic of Latvia and their duration.

(2) The controlling authority shall inform the European Commission and Member States of the pyrotechnic articles referred to in Paragraph one of this Section in accordance with such procedures which are laid down in the laws and regulations governing safety of goods and services.

**Chapter IX**

**Administrative Offences in the Field of Circulation of Pyrotechnic Articles and Competence in Administrative Offence Proceedings**

[*4 June 2020 /* *Chapter shall come into force on 1 July 2020.* *See Paragraph 8 of Transitional Provisions*]

**Section 27. Violation of the Regulations for the Circulation of Pyrotechnic Articles**

For the violation of the regulations for the circulation of pyrotechnic articles, a fine from seven to seventy units of fine shall be imposed on a natural person, but a fine from seven to two hundred and eighty units of fine – on a legal person.

[*4 June 2020* / *Section shall come into force on 1 July 2020.* *See Paragraph 8 of Transitional Provisions*]

**Section 28. Commercial Activities Without a Special Permit (Licence) in the Field of Circulation of Pyrotechnic Articles**

For commercial activities with pyrotechnic articles without a special permit (licence), a fine from fifty-six to three hundred units of fine shall be imposed on a natural person or a member of the board, with or without withdrawal of the right for the member of the board to hold specific offices in commercial companies for a period of up to three years.

[*4 June 2020* / *Section shall come into force on 1 July 2020.* *See Paragraph 8 of Transitional Provisions*]

**Section 29. Competence in Administrative Offence Proceedings**

Administrative offence proceedings for the violations referred to in Sections 27 and 28 of this Law shall be conducted by the State Police or municipal police.

[*4 June 2020 /* *Section shall come into force on 1 July 2020.* *See Paragraph 8 of Transitional Provisions.*]

**Transitional Provisions**

1. [11 June 2015]

2. The norms of Section 4, Paragraph three, Sections 10 and 11, Section 19, Paragraph one, and Section 22 in respect of other Category P1 and P2 pyrotechnic articles, Category F4 fireworks, and theatrical pyrotechnic articles shall be in effect from 4 July 2013.

[*11 June 2015*]

3. The norms of Section 4, Paragraph three, Sections 10 and 11, Section 19, Paragraph one, and Section 22 of this Law shall not apply to the pyrotechnic articles brought into the Republic of Latvia before coming into force of this Law. Pyrotechnic articles which, at the moment of bringing in, have been classified as Category F1, F2, and F3 fireworks may be made available on the market until 4 July 2017.

[*11 June 2015*]

3.1 Theatrical pyrotechnic articles brought into the Republic of Latvia before 4 July 2013 and fireworks brought into the Republic of Latvia before 4 July 2013 and, at the moment of bringing in, classified as Category F4 fireworks may be made available on the market until 4 July 2017.

[*11 June 2015*]

3.2 Other pyrotechnical articles brought into the Republic of Latvia before 4 July 2013 and, at the moment of bringing in, classified as Category P1 and P2 pyrotechnic articles may be made available on the market until 4 July 2017 or until expiry of the validity of the permits issued for their circulation, whichever is earlier, but the circulation of pyrotechnic articles for vehicles of such category and their spare parts shall be permitted until expiry of the period of validity of the permits issued for their circulation.

[*11 June 2015*]

4. Special permits (licences) and registration certificates for commercial activities with pyrotechnic articles which have been issued prior to the adoption of this Law shall be in effect until expiry of their period of validity but not later than 23 May 2017.

5. [11 June 2015]

6. Pyrotechnic articles which were placed on the market until 1 July 2015 may be made available on the market also if their conformity assessment and labelling has been carried out in accordance with the requirements for conformity assessment and labelling that were in force at the time when they were placed on the market.

[*11 June 2015*]

7. Deletion of Section 12, Paragraphs seven and eight of this Law shall come into force on 1 January 2016.

[*11 June 2015*]

8. Amendments to Section 8, Paragraph one of this Law regarding the rights of the State Police to suspend the validity of the special permit (licence) fully or any part thereof, and also deletion of Section 23, and Chapter IX of this Law shall come into force concurrently with the Law on Administrative Liability.

[*4 June 2020*]

**Informative Reference to European Union Directives**

[*11 June 2015*]

The Law contains legal norms arising from:

1) 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;

2) Commission Implementing Directive 2014/58/EU of 16 April 2014 setting up, pursuant to Directive 2007/23/EC of the European Parliament and of the Council, a system for the traceability of pyrotechnic articles.

The Law has been adopted by the *Saeima* on 23 September 2010.

President V. Zatlers

Rīga, 13 October 2010