



**DRAFT DATED 13 June 2025**

**Order No IENW/BSK-2025/136310 of the Minister for Infrastructure and Water Management of [pm date] amending the Order on the designation of fireworks for sale to consumers in relation to minimising risks when storing consumer fireworks** [ChainID WGK027841]

The Minister for Infrastructure and Water Management,

Having regard to Article 2.1.1 of the Fireworks Decree;

Hereby decrees the following:

## **ARTICLE I**

The Regulations on fireworks for sale to consumers is amended as follows:

A

Article 1 is amended as follows:

1. In the definition of 'blasting charge', the second colon shall be deleted.
2. The following definitions are inserted in alphabetical order:

*Whistling charge:* pyrotechnic substances or preparations with a whistling sound as the intended effect;

*whirling charge:* pyrotechnic substances or preparations which, after being lit, cause a rotating effect.

B

Annex I is amended as follows:

1. In the row belonging to the 'Battery single shots' part, the text '2 grammes' is replaced with '0.75 grammes' and the text 'blasting charge is not permitted' is replaced by 'blasting charge, whistling charge or whirling charge are not permitted'.
2. In the row belonging to the part 'Battery fountains or mines or Roman candles', in part c, '2 grammes' is replaced by '0.5 grammes' and the text 'blasting charge is not permitted' is replaced by 'blasting charge, whistling sound charge or whirling charge are not permitted'.
3. In the row belonging to the part 'Combinations of fountains, mines, Roman candles and single shots', the text '2 grammes' is replaced by '1.25 grammes' for the first occurrence and by the text '0.5 grammes' for the second occurrence and the text 'blasting charge is not permitted' is replaced by 'blasting charge, whistling sound charge or whirling charge are not permitted' twice.
4. In the row belonging to the part 'Composite fireworks with two fuses', the full stop is replaced by a comma and the following phrases added 'whereby a maximum of 5% burst charge per pyrotechnic unit applies. Blasting charge, whistling sound charge or whirling charge are not permitted'.

5. In the row belonging to the part 'Fountains', the text 'blasting charge is not permitted' is replaced by 'blasting charge, whistle sound charge or whirling charge are not permitted'.
6. In the row belonging to the part 'Mines', the text '1 gramme' is replaced by '0.5 grammes' and the text 'blasting charge is not permitted' is replaced by 'blasting charge, whistling sound charge or whirling charge are not permitted'.
7. In the row belonging to the part 'Turning sun fireworks', after 'the weight of pyrotechnic substances of any effect charge with whistling sound effect per compartment does not exceed 5 grammes;' the following is inserted: 'where a maximum amount of effect charge with whistling sound effect applies of 5 grammes, with a maximum of 10 grammes per turning sun;'.

## **ARTICLE II**

This Order shall enter into force on 1 October 2025.

This Order and the explanatory notes shall be published in the Government Gazette.

The Minister for Infrastructure and Water Management,

Sophie Hermans

## **Explanation**

### **Introduction**

This Order amends the Regulations on fireworks for sale to consumers (RAC). The amendment means that whistling sound and whirling charge is no longer permitted in consumer fireworks and that burst charge is limited to a maximum of 5 per cent per pyrotechnic unit. This also eliminates the need to package consumer fireworks in mesh packaging in order to achieve a lower transport class. The purpose of these measures is to eliminate the risk of mass explosiveness in order to ensure the safety of fireworks storage facilities and therefore the safety of local residents.

### **Background**

Consumer fireworks shall be assigned to a transport class for transport and storage as laid down in the ADR.<sup>1</sup> Class 1.3G consumer fireworks are often transported and stored in special packaging (mesh packaging) in the Netherlands. This special packaging can then classify these fireworks as 1.4G. The Human Environment and Transport Inspectorate (ILT) found that a number of fireworks products classified as transport class 1.4G nevertheless reacted as mass explosives in a few cases.<sup>2</sup> Such a reaction as a mass explosion should not be possible on the basis of this transport class. In addition, it appears that this special mesh packaging does not function well enough in the case of a number of firework articles tested. This means that there may be increased risks as regards both the storage and transport of certain types of consumer fireworks. The ILT warned that it cannot be excluded that the observed mass explosiveness is related to the complete containment by mesh of the firework articles in combination with a high load mass.

Next, along with the industry, we looked at the cause in which a link was established between the presence of whistling and whirling charges in consumer fireworks, the amount of burst charge and the containment of these fireworks in mesh packaging. The Ministry of Infrastructure and Water Management (IenW) announced the adoption of measures in order to prevent the containment in mesh packaging in the Government response<sup>3</sup> of 30 September 2024 to the report 'Lessons from two fireworks disasters'.

### **Content of the amendments**

With this amendment to RAC, fireworks for consumers are only allowed to be stored and transported as 1.4G without additional measures (e.g. Mesh packaging).

In order to give the best possible form to these changes, the Ministry of Infrastructure and Water Management has instructed the National Institute for Public Health and the Environment (RIVM) to explain which specific adjustments to the chemical composition of consumer fireworks in the RAC are necessary to ensure that only consumer fireworks in the RAC are allowed to be classified as ADR subclass 1.4G or 1.4S in the Netherlands according to transport classification, so that mesh packaging is no longer necessary. It is recommended that whistling and whirling charges should no longer be permitted in consumer fireworks (F2) and that the burst charge in battery single shots, battery mines or Roman candles, combinations of fountains, mines, Roman candles and single shots and mines be

---

<sup>1</sup> [ADR 2023 | Publicatie | Rijksoverheid.nl](#)

<sup>2</sup> [Ondeugdelijke gaasverpakking zorgt voor onjuist geclassificeerd consumentenvuurwerk | Signaalrapportage | Inspectie Leefomgeving en Transport \(ILT\)](#).

<sup>3</sup> [Kamerbrief met Kabinetsreactie op rapport 'Leren van twee vuurwerkrampen' | Kamerstuk | Rijksoverheid.nl](#)

reduced to a maximum of 5 per cent of the total amount of pyrotechnic substance per fireworks unit.<sup>4</sup>

Reducing the permitted quantity of the burst charge to a maximum of 5% is also in line with a previous recommendation by Royal Haskoning DHV.<sup>5</sup> This recommendation was made in response to the figures regarding injuries and the test results with combinations and composite fireworks. The figures regarding injuries showed that there was a relatively high level of injury when using these articles.

The RIVM recommendation goes beyond making the use of mesh packaging unnecessary. The current safety requirements that Dutch fireworks storage facilities must meet are based on the most realistic scenario, i.e. fire in or near a fireworks storage facility. This means that fireworks storage facilities in the Netherlands are not designed for the risk of mass explosiveness. Because it has been insufficiently shown from testing that whistling and whirling charges in consumer fireworks under containment (in cardboard boxes in a fireworks storage facility) does not show a mass explosive reaction, the RIVM's advice is to remove whistling and whirling charges in all consumer fireworks. This opinion has been adopted in full with this amendment to the RAC. The safety of fireworks storage facilities and thus the safety of local residents is paramount.

These two measures should ensure the risk regarding mass explosiveness has been minimised to a maximum extent and thus a safer living environment created. An important point here is that fireworks storage facilities in the Netherlands are not currently equipped for mass explosiveness. Thus, minimising this risk to a maximum extent directly contributes to ensuring that the applicable safety requirements for storage sites (focused on the risk of fire) are adequate and robust as stated in the RIVM study.<sup>6</sup>

Annex I to the RAC lists the fireworks authorised for consumers. In this annex, the requirements for consumer fireworks have now been adapted to the RIVM recommendations.

### **Consequences**

As a result of the amendment to RAC, mesh packaging is no longer necessary as fireworks for consumers will only be allowed to be stored and transported as 1.4G without additional measures (such as mesh packaging). Since whistling and whirling charges are no longer permitted in consumer fireworks and the burst charge is reduced so that mesh packaging is no longer required, the risk of mass explosiveness will be greatly minimised.

For importers and retailers, this means that they no longer have to use mesh packaging. The use of mesh packaging is an expensive measure for the purpose of allowing the transport of these fireworks within the lighter rules of the ADR. In addition, it is easier to package the fireworks because the mesh structure does not need to be removed. Importers of consumer fireworks have already been able to anticipate this when ordering consumer fireworks before the turn of the year 2025-2026, also in view of the early announcement of the intention of this amendment in the Government's response to the report 'Lessons from two fireworks disasters'.

After the amendment of the RAC, fireworks that do contain whistling and whirling charge or a greater burst charge will be considered to be professional fireworks. Professionals may still use these fireworks in professional fireworks ignition. For this, however, a notification is no longer sufficient, but an ignition permit must be

---

<sup>4</sup> RIVM reference VLH-2025-0015 and VLH-2025-0033 'Research on mesh packaging bans' dated 17 March 2025 and 20 May 2025, respectively.

<sup>5</sup> [Veiligheid van consumentenvuurwerk rond de jaarwisseling | Rapport | Rijksoverheid.nl](#).

<sup>6</sup> RIVM reference VLH-2025-0024 'Safety measures for consumer fireworks storage facilities' dated 30 April 2025.

requested from the province in view of Article 3B.4(1) of the Fireworks Decree. In the future, the safety distances that apply to professional fireworks must also be met.

For citizens, this amendment will have the effect that certain types of fireworks will no longer be available. However, consumers retain sufficient choice in firework articles.

Because of the risk of mass explosion, the fire brigade currently starts from the procedure associated with the heavier subclass 1.1/1.2 (Guidelines for Safe Action) in the event of an incident in or near a fireworks storage site. This is similar to action upon the detection of illegal fireworks. The Safety Consultative Body has indicated that it will await the amendment to the RAC, and thus the minimisation of the risk of mass explosiveness, before reviewing its position on the fire-fighting instructions.

### **Implementation, supervision and enforcement**

The ILT is responsible for supervising the transport of fireworks and for testing fireworks in the Netherlands. As the ILT already carries out inspections on the transport of fireworks, the amendment has a limited impact on the ILT. The ILT carried out a enforceability, feasibility and fraud-proofing test (HUF test) of the present amendment to RAC.

The Public Prosecution Service is responsible for the criminal prosecution of fireworks offences.

The competent authority (municipalities, provinces) is responsible for the control of fireworks storage facilities. This task has been assigned by them to the environment agencies. The environment agencies already carry out checks on fireworks storage sites. The proposed amendment, therefore, poses only a possibly limited burden on the environment agencies.

### **Financial impact**

The fireworks sector indicates that there are residual stocks when the proposed amendment enters into force on 1 October 2025. In order to avoid any financial damage, the fireworks sector is advocating the entry into force of the RAC amendment in 2026.

Subsequent introduction of the amendment to the RAC, however, means that the identified risk of mass explosiveness persists, which is not acceptable, given that the safety of storage sites and thus of adjoining local residents should be a priority.

The fireworks sector has been informed well in advance of the Government's response of 30 September 2024 of the intention to amend RAC with regard to mesh packaging. The ban on whistling and whirling charges was later decided. With this insight, the Ministry is following the opinion of the RIVM in order to ensure maximum safety.

Previous research by Royal Haskoning DHV found that there are few stocks present at retailers outside the turn of the year.<sup>7</sup> However, importers and larger storage sites may have been left with residual stocks. In addition, importers may already have purchased products with whistling and whirling charges that are not in mesh packages for the turn of the year 2025-2026.

The fireworks in question are an international product also purchased in other countries by consumers and professional parties. There are, therefore, markets on which any residual stocks can be sold.

### **Internet consultation and regulatory burden**

---

<sup>7</sup> Inventarisatie vuurwerkstorage en Nederland (Inventory of fireworks storage sites in the Netherlands), HaskoningDHV, BK1796IPC001F02, dated 29 November 2024.

An online public Internet consultation took place from [pm] to [pm]. In addition, a draft of the present amendment was submitted to the Human Environment and Transport Inspectorate (ILT) and the Dutch Advisory Board on Regulatory Burden (ATR) for advice. Discussions have been held with the fireworks sector about the proposed amendment to the regulations.

*Internet consultation*  
Follows

#### *Regulatory burden*

The present amendments address adapted requirements with regard to the composition of consumer fireworks and, therefore, have no significant impact as such on the regulatory burden on businesses or citizens. Firework importers will have to take the adapted rules into account when placing orders and will need to familiarise themselves with them. The fireworks sector was informed of these changes at an early stage during various regular consultations. It is estimated that getting to know the new rules will take around an hour. When calculating the administrative burden, the national methodology for regulatory pressure effects is prescribed, which assumes EUR 50 per hour in costs. There are around ten fireworks importers active on the Dutch market. The amendments also mean that the fireworks in question may be stored and transported as 1.4G and additional measures, such as mesh packaging, are no longer necessary. This will lead to lower compliance costs.

#### **Relationship to higher law**

Article 4(2) of the Pyrotechnics Directive permits Member States to take measures to prohibit or restrict the possession, use and/or sale to the general public of category-F2 and category-F3 pyrotechnic articles in the interests of 'public order, security, health and safety, or environmental protection'. This Order makes use of this possibility with regard to the permitted fireworks for the general public of category F2. This measure is necessary and proportionate to ensure the safety of storage facilities for fireworks and, thus, also the safety of local residents. This amendment imposes technical requirements on a product. The amendment has, therefore, been notified<sup>8</sup> to the European Commission under the Notification Directive on [date] (notification number 2025/xxxxxx).

#### **Entry into force**

This Order shall enter into force on 1 October 2025. This will be in line with the common commencement dates for ministerial orders. However, it does deviate from the minimum introduction period. However, this derogation is justified in order to avoid any significant undesirable public disadvantages (Article 4.17(5)(a) of the Legislative Drafting Instructions). It is desirable that this amendment take effect before the turn of the year and also before the fireworks are distributed by importers to retail outlets. It is, therefore, desirable that clarity be provided to these parties as soon as possible. The fireworks sector has been informed of this amendment in a timely manner so that fireworks businesses have been able to take this into account.

The Minister for Infrastructure and Water Management,

Sophie Hermans

---

<sup>8</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ 2015, L 241).