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BIJ DE GRATIE GODS,
KONING DER NEDERLANDEN,
PRINS VAN ORANJE-NASSAU,
ENZ. ENZ. ENZ.

DRAFT DATED 16 January 2026

Decree of [date] amending the Fireworks Decree and the Decree on the Transport of Dangerous Substances in connection with the Safe New Year's Eve Act (Safe New Year's Eve Decree) [ChainID WGK028133]

On the recommendation of the State Secretary for Infrastructure and Water Management of ... January 2026, No IenW/BSK-2025/343892, Administrative and Legal Affairs Department;

Having regard to Sections 9.2.2.1(1) and (2), 9.2.2.1a(5) and (7) of the Environmental Management Act (Wet milieubeheer) and Section 3(b) of the Transport of Dangerous Substances Act (Wet vervoer gevaarlijke stoffen);

Having heard the Opinion of the Advisory Division of the Council of State (Opinion of, No);

Having regard to the detailed report of the State Secretary for Infrastructure and Water Management of, No IenW/BSK-, Administrative and Legal Affairs Department;

Have approved and hereby decree the following:

ARTICLE I

The Fireworks Decree (Vuurwerkbesluit) is amended as follows:

A

Article 1.1.1 is amended as follows:

1. In Paragraph 1, the following definitions are inserted in alphabetical order:
exemption holder: the holder of a valid exemption as referred to in Section 9.2.2.1a(4) of the Environmental Management Act;
2. In Paragraph 2, the following is deleted: "2.3.2, 2.3.3".
3. A paragraph is added, reading:
 5. For the application of Articles 2.3.2, 2.3.2a, 2.3.3 and 2.3.4, the following definitions shall apply:
 - a. set-off area: the part of a set-off site in which fireworks are set off;
 - b. set-off site: site consisting of a set-off area and an area around it, with a minimum distance of 10 metres from the outer edge of the set-off area to the outer edge of the set-off site;
 - c. technicians: persons that an exemption holder appoints, who are authorised to set off fireworks and are supervised by a supervisor;

- d. supervisor: a person that an exemption holder appoints, who is responsible for ensuring that everything runs smoothly on site;
- e. safety distance: minimum distance between the set-off area and the public;
- f. safety zone: an area around the set-off area, with a radius at least equal to the safety distance to be observed when setting off fireworks pursuant to Subparagraph e.

B

Article 1.2.4 is amended as follows:

1. In Paragraph 2, Subparagraphs c to e are relettered b to d and a subparagraph is inserted with the following text:
 - a. insofar as, during the period from 12 a.m. on 31 December to 6 p.m. on 1 January of the following year, an exemption holder has no more than 200 kg of packaged F2 fireworks designated by ministerial regulation in a place that is not accessible to the public;
2. In Paragraph 4, the words 'the fireworks' are added after 'if'.

C

Article 1.2.5 is amended as follows:

1. In Paragraph 1(a), 'under c' is replaced by 'under b'.
2. In Paragraph 2, preamble, the words 'other than for personal use, in quantities exceeding 25 kg per means of transport' are deleted.
3. In Paragraph 2, one part is added, replacing the full stop at the end of part c by a semi-colon:
 - d. who holds an exemption as referred to in Section 9.2.2.1a(4) of the Environmental Management Act.

D

In Article 2.1.3(1), 'Fireworks that are consumer fireworks' is replaced with 'Consumer fireworks'.

E

After Article 2.3.1, four articles are inserted, reading:

Article 2.3.2

Mayors may only grant exemptions as referred to in Section 9.2.2.1a(4) of the Environmental Management Act if the following conditions are met at the very least:

- a. the applicant shall be an association or foundation that is registered in the business register;
- b. the application shall be accompanied by a safety plan that the mayor considers adequate, plus a site plan and an overview of the fireworks to be set off, which overview shall describe how the requirements to be attached to the exemption pursuant to Section 2.3.2a(1) are to be observed;
- c. the set-off site to which an exemption application relates shall not be the interior of a building, shall be easily accessible for the emergency services, shall be located such that there is sufficient space for the prescribed safety zone, in which there are no highly vulnerable buildings or locations, animals kept for commercial purposes, flammable

objects or vehicles or vessels and, in the opinion of the mayor, is suitable for the safe set-off and prior storage of fireworks as requested in the application;

- d. an exemption application shall relate to a maximum of 200 kg of packaged F2 fireworks designated by ministerial regulation;
- e. the applicant shall appoint one or two supervisors to be responsible for ensuring that everything runs smoothly on site, as well as a maximum of eight technicians who are authorised to set off fireworks; the applicant shall also provide a telephone number at which the supervisor or supervisors can be reached.

Article 2.3.2a

1. The exemption shall be subject, in any event, to the following requirements in respect of the set-off site and the safety zone:
 - a. the set-off site and safety zone shall be set up in accordance with the safety plan and be easily accessible for the emergency services;
 - b. the minimum safety distance determined by the mayor in question shall be observed;
 - c. the set-off site shall be closed to the public before the fireworks are brought to the set-off site;
 - d. the exemption holder shall bring no more than 200 kg of packaged F2 fireworks to the set-off site and place it under permanent supervision in a safe manner, at least 8 metres from the outer edge of the safety zone;
 - e. the following shall be present at the set-off site: a copy of the exemption plus the associated requirements and a copy of the invoice stating the fireworks present;
 - f. no open flames or smoking shall be permitted in the safety zone;
 - g. at least two approved hand-held fire extinguishers with a capacity of at least 6 kg of ABC powder or 9 kg of foam shall be available at the set-off site to fight a fire as quickly as possible;
 - h. when setting off fireworks, the safety zone may not be entered by anyone other than the supervisor, the technicians and the inspector;
 - i. no activities shall be permitted near the fireworks that could result in static electricity, fire, fire hazard or accidental set-off;
 - j. The safety zone shall be cleared and left in a clean condition as soon as the fireworks have been set off.

2. The exemption shall also be subject to the following requirements, pertaining to the supervisor and technicians:
 - a. the fireworks may be set off by a maximum of eight technicians, who shall have been named in the application and be at least 16 years of age;
 - b. the technicians shall be supervised by at least one supervisor, who shall have been named in the application and be at least 18 years of age;
 - c. when fireworks are being set off, the supervisor shall maintain an overview of the fireworks, the set-off area, the safety zone and the technicians;
 - d. the supervisor shall have means of communication that can be used to contact the emergency services and inspectors;
 - e. the supervisor and technicians shall be aware of how to safely set off, store and transport fireworks;
 - f. the supervisor and technicians shall wear fireworks goggles and the technicians shall use a firework fuse to set off the fireworks;
 - g. the supervisor and technicians shall not be under the influence of alcohol or other narcotics or stimulants as referred to in Section 8 of the Road Traffic Act 1994, read in conjunction with Article 3 of the Alcohol, Drugs and Medicines (Road Traffic) Decree.

3. Moreover, the following requirements relating to the possession of fireworks and how and when they are to be set off shall be attached to the exemption in any event:
- a. the fireworks may only be set off between 6 p.m. on 31 December and 2 a.m. on 1 January of the following year;
 - b. the fireworks shall be set off as laid down in the safety plan submitted with the application and, thus, form part of the exemption granted;
 - c. the fireworks shall not have been modified and they shall only be set off manually;
 - d. fireworks shall be set off in accordance with the instructions for use or the relevant safety information sheet, unless otherwise specified;
 - e. the fireworks shall be stable and set up on the ground, perpendicular to the surface of the ground;
 - f. the surface on which the fireworks are set up shall be non-flammable;
 - g. compliance with the minimum safety distances shall be checked before the fireworks are set off;
 - h. if fireworks other than novelty fireworks are to be set off near the safety zone, or third parties enter the safety zone, the setting off of fireworks shall be stopped immediately;
 - i. if weather or other conditions prevent or hinder the safe setting off of fireworks, the setting off thereof shall be stopped immediately;
 - j. any fireworks that are not set off shall be returned to the seller by 6 p.m. on 1 January, immediately after New Year's Eve.

Article 2.3.2b

1. A mayor shall immediately revoke all or part of an exemption if:
- a. the weather or other conditions at the time of the period referred to in Article 2.3.3(2) are expected to be such at the location for which the exemption has been granted that the safe setting off of fireworks cannot be guaranteed;
 - b. it is found that incorrect information was provided in the application and provision of the correct information would have led to the refusal of the exemption;
 - c. since the application, there have been changes to the information provided in the application that, had they been known at the time of the application, would have led to the refusal of the exemption.
2. A mayor may revoke an exemption if:
- a. the exemption holder fails to comply with one or more of the requirements attached to the exemption;
 - b. it is found that incorrect information was provided in the application and provision of the correct information might have led to the refusal of the exemption;
 - c. since the application, there have been changes to the information provided in the application that, had they been known at the time of the application, might have led to the refusal of the exemption.

Article 2.3.3

1. It shall be prohibited to make consumer fireworks available to anyone other than a person with specialist knowledge.
2. This prohibition shall not apply between 12.00 and 6.00 p.m. on 31 December if a maximum of 200 kg of packaged F2 fireworks designated by ministerial order are made available to an exemption holder.
3. Before making the fireworks available, the seller shall check the exemption and retain a copy of it in its records.
4. On 1 January, the return of any unused fireworks shall be accepted free of charge in exchange for a return slip or an endorsement on the original invoice.

F

Article 2.3.4 is amended as follows:

1. '1.' is added in front of the text.
2. The words 'or exemption holder' are added after 'private individual'.
3. A paragraph is added, reading:
 2. Paragraph 1 shall not apply if the fireworks are delivered to the set-off site by or on behalf of the seller.

G

A new article is added after Article 2.3.5, reading:

Article 2.3.6

It shall be prohibited to sell consumer fireworks or otherwise make them available to exemption holders without providing protective goggles and a firework fuse for each 25 kg of fireworks made available as well as instructions on how to safely set off such fireworks.

H

Article 2.3.7 now reads:

Article 2.3.7

Articles 1.2.4, 1.2.5, 2.3.3 and 2.3.6 shall not apply to novelty fireworks.

ARTICLE II

In Article 4(1)(h) of the Decree on the Transport of Dangerous Substances, 'fireworks that may be made available for private use' is replaced with 'novelty fireworks'.

ARTICLE III

This Decree shall enter into force at a time specified by royal decree, which may differ for the individual articles or parts thereof.

ARTICLE IV

This Decree shall be cited as the: Safe New Year's Eve Decree.

I hereby order this Decree and its associated explanatory memorandum to be published in the Bulletin of Acts and Decrees.

STATE SECRETARY FOR INFRASTRUCTURE AND WATER MANAGEMENT – PUBLIC
TRANSPORT AND THE ENVIRONMENT,

A.A. Aartsen
Explanatory memorandum

General

1. Introduction

The Safe New Year's Eve Act (hereinafter: the Act) is a private member's bill that was proposed by Klaver (then GroenLinks; now GroenLinks-PvdA) and Ouwehand (Party for the Animals) provides for a ban on fireworks for consumers in the Environmental Management Act. It will continue to be permitted to set off F1 fireworks (novelty fireworks) throughout the year. Professional fireworks displays will continue to be possible too. Further to an adopted amendment, the Act gives mayors the power to allow organised groups of citizens to set off designated F2 fireworks on New Year's Eve. The specifics of this Act will be established by means of this Safe New Year's Eve Decree, which amends the Fireworks Decree and the Transport of Dangerous Substances Decree.

2. Outline of the proposal

2.1 General

As stipulated in Section 9.2.2.1a of the Environmental Management Act added by law, the amending Decree sets out the conditions under which mayors may grant exemptions, as well as the requirements that may be attached to exemptions and the rules applicable to the sale of designated F2 fireworks. The F2 fireworks for which exemptions may be granted have also been designated under the Consumer Fireworks Designation Regulations (Regeling aanwijzing consumentenvuurwerk (Rac)).

The object of the legislative provision that empowers mayors to grant exemptions from the fireworks ban and elaborate on this in the present amending Decree is to enable organised groups of citizens, such as village or neighbourhood associations, to set off fireworks safely and responsibly at a designated, suitable location on New Year's Eve.

To elaborate on the specifics of the power to grant exemptions, various meetings were held to gather input from a broad representation of organisations including the police, the Public Prosecution Service (Openbaar Ministerie), the Human Environment and Transport Inspectorate (Inspectie Leefomgeving en Transport (ILT)), municipalities, the Association of Netherlands Municipalities (Vereniging Nederlandse Gemeenten (VNG)), the Dutch Association of Mayors (Genootschap van Burgemeesters (NGB)), environmental services, the fire brigade, insurance companies, (umbrella organisations of) sport and district associations and the fireworks industry. Efforts were made to gather the broadest possible input with a view to safeguarding safety and ensuring practicability for mayors and also enforceability and practicability for associations, foundations and companies. Prior to elaborating on the specifics of the power to grant exemptions, various scenarios were considered and alternatives weighed up, such as the scenario in which a mayor designates a location at which everyone, or all the members of an association, are permitted to set off fireworks under the current rules. Consideration was also given to the possibility of stipulating a maximum number of exemptions per municipality, for example. The various scenarios are described in the Policy Compass (Beleidskompas). Having regard to the local division of powers, or the objective of the Act, and for reasons of enforceability, feasibility and safety, these alternative scenarios were disregarded.

Various regions in the Netherlands are very experienced at organising small events within an association context in order to strengthen the sense of community and togetherness. Such initiatives come from the community itself and are often facilitated by the municipality. Hence why the government considers it important for there to be scope at a local level to consider the best way to give shape to exemptions and for associations and foundations to be trusted to organise fireworks within the frameworks set. Mayors are familiar with their municipalities and residents and are able to decide, subject to certain frameworks, what will be necessary to facilitate the setting off of fireworks by organised groups of citizens and within which frameworks. As regards the safety of the environment and bystanders, it is advisable for mayors to liaise with their partners in the tripartite consultation (lokale driehoek) and the safety region.

Therefore, the government took the above as its starting point when elaborating on the power to grant exemptions in the present Decree. However, it was also considered important for certain requirements to be laid down at a national level. This is consistent with the widespread desire among municipalities to establish safety requirements at a national level wherever possible. This will prevent any unwanted fragmentation. Also, the Ministry of Infrastructure and Water Management believes – as the ministry responsible for fireworks regulations – that it is responsible for ensuring the safe storage, transport, sale and setting off of fireworks. With this in mind, a number of safety-related requirements have been laid down in the present Decree and, where deemed appropriate, the possibility to grant exemptions has been elaborated on in line with existing requirements in regulations.¹ By establishing national safety requirements, the risks associated with the setting off of fireworks are minimised. Safety is vital for technicians, supervisors, bystanders and local residents.

Elaborating on the specifics of the power to grant exemptions establishes national frameworks within which mayors are given the scope to use their expertise and their knowledge of their particular municipalities to decide, in consultation with the tripartite consultation, whether exemptions will be granted and, if so, for which locations. Mayors may also set a maximum number of exemptions in their particular municipalities based on their own, individual policies.

Besides elaborating on the specifics of the power to grant exemptions in the Fireworks Decree, guidelines will be developed for municipalities. Should they so wish, mayors may draw on them in the decisions they make. However, it would seem logical for VNG and municipalities to take the lead in this regard, with input from central government where necessary.

2.2 Conditions

Section 9.2.2.1a of the Environmental Management Act provides for rules to be laid down by order in council about the conditions under which mayors may grant exemptions and the requirements that may be attached to these exemptions. A number of aspects of the Fireworks Decree are considered important conditions under which mayors may grant exemptions. Including these conditions ensures that mayors incisively assess whether the conditions have been met before actually granting exemptions. In a number of cases, it is possible to assess these conditions in advance and this should be done if possible. For example, the requirements to be met by the exemption holder, the supervisor and the technician, the safety plan, the requirements imposed on the quantity of fireworks and the location where the fireworks will be set off. Given the requirement for the safety plan to consider the requirements attached to an exemption at the very least, mayors can also assess these aspects when deciding on exemption applications. During the exemption period, monitoring and enforcement can be used to verify compliance with the requirements in question and the safety plan. The conditions are explained below.

2.2.1 Conditions to be met by the applicant

Exemptions may only be granted to (informal) associations and foundations. This choice is consistent with the legislative history of the Safe New Year's Eve Act, which provides for exemptions to be granted to organised groups of citizens, such as village and neighbourhood associations. An association or foundation that wishes to be eligible for an exemption must be registered with the Chamber of Commerce. This condition ensures that an exemption holder is a legal entity that can be held liable under civil law – and criminal law too, where necessary – for any damage or injury caused in the context of the exemption granted. No requirements are imposed in respect of the type of association or foundation. Therefore, these bodies could include neighbourhood or community associations, sports clubs, or a fireworks association that has been formed in order to obtain an exemption to set off fireworks. Nor are any requirements imposed regarding the place where associations or foundations have their registered offices. This makes it possible to apply for an exemption in a neighbouring municipality, for example. The expectation is that – given the sense of togetherness – exemptions will primarily be

¹ For example, the Commercial Fireworks Display Order (Regeling bedrijfsmatig tot ontbranding brengen van vuurwerk).

applied for in the municipality in which an association or foundation is registered or the neighbouring municipality. Mayors may also choose to include a registered-office location requirement in local policy in order to strengthen the sense of community and togetherness.

Eligibility for an exemption will not require an association to have drawn up a notarial deed at the time of its formation. The association or foundation itself must determine whether setting off fireworks is appropriate given its particular objectives.

The application will state that the applicant has appointed one or two supervisors and a maximum of eight persons to set off the fireworks under the exemption (technicians). The supervisor is someone that the association or foundation has appointed, who is responsible for ensuring that everything runs smoothly during set-off. Technicians are persons that the association or foundation has appointed, who are authorised to set off fireworks and are supervised by a supervisor.

2.2.2 Conditions relating to the site and the safety plan

Applicants are required to submit a safety plan with their applications. This safety plan must meet the minimum requirements that the mayor in question sets for exemptions. The safety plan will also include a site plan. At the very least, the site plan will specify the location of the set-off area, the set-off site and the safety zone and the scale of the drawing. This enables mayors to assess site suitability. The safety plan will also contain an overview of the fireworks to be set off. This enables mayors to determine the safety distance necessary.

Mayors must be of the view that the locations to which exemption applications relate are suitable for the safe set-off and temporary presence of fireworks. Mayors assess this when evaluating applications. When doing this, mayors will consider minimum safety distances at the very least, but also, for example, the vicinity of animals being kept for commercial purposes, flammable objects, vehicles or vessels and vulnerable buildings or locations. A building could be classed as vulnerable if the people in it are vulnerable (for example, a hospital)² or if it contains flammable elements (for example, houses with thatched roofs). It is also important for locations to be accessible to the emergency services. When assessing whether locations are suitable for fireworks to be set off under an exemption, mayors may seek advice from the tripartite consultation and the fire brigade, should they wish to do so. Mayors may also consider whether they want to allow fireworks to be set off close to other buildings, near nature reserves, from a building or from water within the scope of the exemption. In many cases, this will be undesirable given the potential risk involved.

Minimum safety distances will not be determined at a national level. The government believes there should be some degree of flexibility at a local level when determining whether locations are suitable for the setting off of fireworks in the presence of (large) crowds and also the minimum safety distances applicable. Mayors have to determine the minimum safety distance to be able to determine the size of the safety zone.

Exemption holders are not permitted to set off fireworks in an indoor space. The fireworks that may be set off under an exemption (designated F2 fireworks) are not suitable for this purpose.

The present amending Decree lays down conditions and requirements aimed at ensuring the safe setting off of fireworks for the supervisor/technician, the public and the environment. The Fireworks Decree does not lay down any rules on exactly where fireworks are to be set off, with due observance of the conditions and requirements above. This is because, subject to the frameworks applicable and armed with their expertise and knowledge of their particular municipalities, mayors are best placed to decide whether the locations to which exemption applications relate are suitable. It may be desirable for mayors to designate certain locations for which exemptions may be applied before making it possible for associations and foundations to apply for

² See the definition used for this purpose in the context of the Environmental Quality Decree (Besluit kwaliteit leefomgeving).

exemptions. If mayors deem this desirable, they should include this in their particular policy.

The above does not alter the ability of a municipal council to stipulate that it will not be permitted to set off fireworks in certain places at all. This was already the case and the Safe New Year's Eve Act has not changed this situation.

2.2.3 Quantity of fireworks

An exemption may be granted for a maximum of 200 kilograms of (packaged³) F2 fireworks. In regulations, the 200-kilogram limit for consumer fireworks is already relevant for professional fireworks displays. In this framework, it is possible to suffice with the submission of a fireworks notification to the competent authority (the province) for up to 200 kilograms of consumer fireworks; a set-off consent (ontbrandingstoestemming) is required for any quantity of fireworks above 200 kilograms. This maximum quantity also falls within the exemptions in force in the context of the transport of dangerous substances.⁴

As F1 fireworks may be purchased and set off throughout the year and cannot be restricted under European regulations, it is also still possible to set off F1 fireworks.

2.3 Requirements

Mayors will attach a set of requirements to the exemptions they grant. The minimum requirements are laid down in the Fireworks Decree. Where possible and deemed appropriate, these requirements are consistent with the rules applicable to professional users when setting off consumer fireworks. The Fireworks Decree regulates the requirements that mayors are to attach to exemptions at the very least. Mayors may attach additional requirements to exemptions if they deem it appropriate to do so.

The requirements are divided into a number of themes: requirements relating to the location, requirements relating to the supervisor and technicians and requirements relating to how and when fireworks are set off.

2.3.1 Requirements relating to the location

The package of requirements will include requirements relating to the location to which the exemption applies. This will be based on a set-off area, a set-off site and a safety zone. The set-off area is the part of the set-off site where the fireworks are to be set off. The set-off site is the site consisting of a set-off area and the area surrounding the set-off area, with a minimum distance of 10 metres from the outer edge of the set-off area to the outer edge of the set-off site, where the fireworks are stored until they are set off. The safety zone is the area surrounding the set-off area, with a radius that is at least equal to the number of metres to be observed as a safety distance when the fireworks are set off.

Exemptions holders must meet the following requirements at the very least:

- Fireworks may only be set off on the site specified in an exemption. This site must be in compliance with the safety plan and the site plan submitted with the application. These requirements have been included as conditions so that mayors can assess them when evaluating applications. These requirements must also be included as a requirement to ensure that F2 fireworks for which an exemption has been granted are not actually set off outside the permitted location and comply with the safety plan.
- The safety zone will be such in size that the minimum safety distance to be observed when setting off fireworks is taken into account.
- The set-off site will be closed to the public before the fireworks are brought onto the set-off site.

³ In Article 1.1.1(3)(a) of the Fireworks Decree, packaged fireworks are defined as 'fireworks including the casing and any packaging, retail packaging or assorted packaging and including the transport packaging referred to in the ADR'.

⁴ Under the ADR regulations (*Accord Européen relatif au transport international des marchandises Dangereuses par Route*), consumer fireworks in class 1.4G may be transported without the consent in question up to a net explosive mass of 333 kilograms of explosive substance.

- When setting off fireworks, no more than 200 kilograms of F2 fireworks will be present on the set-off site. The fireworks will be kept (present) in a safe manner on the set-off site, at least 8 metres from the outer edge of the safety zone⁵ and will be supervised by the exemption holder at all times.
- A number of documents are to be present in the set-off area, namely a copy of the exemption granted by the mayor and the accompanying requirements and a copy of the invoice on which the fireworks present are listed. This enables inspectors and enforcers to check whether an exemption has been granted for F2 fireworks and which fireworks are present at the location. Exemption holders may present these documents in both paper and digital format.
- To prevent a fire breaking out at the location to which an exemption relates, open flames are not permitted within the safety zone, smoking is prohibited and a sufficient number of hand-held fire extinguishers must be present on the set-off site while the fireworks are being set off to fight any incipient fire as quickly as possible. There must be a minimum of two hand-held fire extinguishers with a capacity of at least 6 kilograms of ABC powder or 9 kilograms of foam. This is consistent with the safety requirements that apply to industrial fires.⁶ The surface used when setting up fireworks must not be flammable. Activities near fireworks that could lead to static electricity, fire, a fire hazard or accidental set-off are prohibited as well.
- When setting off fireworks, the safety zone may only be entered by the supervisor(s), technicians and the inspector.
- The safety zone must be cleared and left in a clean condition immediately after the fireworks event.

2.3.2 Requirements relating to the supervisor and technicians

A number of the requirements will relate to the safe setting off of fireworks. More specifically, these requirements will be those that are imposed on the technicians and supervisors:

- The fireworks may be ignited by just a limited number of persons. There will be a maximum of eight technicians per exemption.⁷
- Within the framework of an exemption, one or two so-called supervisors will also be appointed from within the association or foundation. When fireworks are being set off, the aforementioned supervisor will monitor the fireworks, the set-off area, the safety zone and the technicians. It is logical to assume that there will be two supervisors in a large safety zone. The supervisor will also have access to means of communication, such as a mobile phone, which can be used to contact the emergency services and the municipality should the situation require. The supervisor will not set off any fireworks him/herself. The supervisor will maintain a clear view of the fireworks and the set-off location at all times. This will enable the supervisor to promptly observe any incidents that occur at the set-off location (for example, in the unlikely event of a fire), unauthorised persons entering the site, or unusual firework behaviour (for example, fireworks falling over). In the latter case, it is reasonable to assume that no more articles of a similar nature will then be set off, in the interests of the safety of the technician and the public.
- The supervisor will be 18 years of age at the very least. Technicians will be subject to the existing age requirements applicable when setting off F2 fireworks, namely 16 years of age or older.
- Technicians and supervisors will be expected to have the knowledge necessary to set off fireworks safely. A sufficient knowledge of the temporary presence and transport of fireworks is important as well. Central government is developing an e-learning or information package to this end.
- The supervisor and technicians will wear fireworks goggles. Technicians will use firework fuses to set off the fireworks.

⁵ Due to the safety distances to be applied from the set-off area to the outer edge of the safety zone, it is possible that the distance between the outer edge of the set-off site (where the fireworks may be placed) and the safety zone is more than 8 metres. This will not always be the case (for example, in the event of ground fireworks). When this applies, a distance of 8 metres will always be maintained between the fireworks located there and the outer edge of the safety zone.

⁶ Cf. Article 2.8(2)(a) of the Commercial Fireworks Display Order (outdoor events).

⁷ This is consistent with the current 25 kilograms of consumer fireworks permitted per person. 10

- The supervisor and technicians will not be under the influence of alcohol or other narcotics or stimulants. To determine whether a person is under the influence of alcohol or other substances, the limit values in Section 8 of the Road Traffic Act 1994, read in conjunction with Article 3 of the Alcohol, Drugs and Medicines (Road Traffic) Decree, will be applied.

2.3.3 Requirements relating to how and when fireworks are set off

Finally, a number of requirements will relate to the way in which the fireworks are set off. These requirements are as follows:

- The fireworks may only be set off between 6 p.m. on 31 December and 2 a.m. on 1 January of the following year. This is consistent with the current set-off times applicable for the setting off of fireworks by consumers on New Year's Eve.
- Fireworks will be set off as laid down in the safety plan submitted with the application and corresponding to the exemption granted.
- The fireworks may not have been modified and will be set off in their original state. Fireworks may only be set off manually, in other words, not electronically. The confirmation of an electronic set-off mechanism will often require the prior modification of fireworks. This is customary within the framework of professional firework events. It is not considered advisable for persons without the specific specialist knowledge necessary to handle fireworks prior to set-off. Therefore, the electronic setting off of fireworks will not be permitted under the terms of an exemption.
- Set-off will take place in accordance with the instructions for use or the safety information sheet pertaining to the fireworks, unless otherwise specified. As stipulated in Article 2.1.3(1)(j) of the Fireworks Decree, such instructions and warnings will be included such that the user and bystanders will not sustain any injury or damage when acting in accordance with them.
- Fireworks will be stable and set up on the ground, perpendicular to the ground surface. It must not be possible for fireworks to fall over. With this in mind, it will not be permitted to place fireworks on racks or moving objects, for example.
- Minimum safety distances will be observed when setting off fireworks. These serve to protect bystanders and the public.
- If members of the public or bystanders near the safety zone set off other fireworks (not being novelty fireworks), the exemption holder will immediately cease setting off fireworks. The same will apply when members of the public enter the safety zone.
- If weather or other conditions prevent or hinder the safe setting off of fireworks, the setting off thereof will be stopped immediately. This will be the case, for example, in the event of unexpected strong winds (a wind speed of 9 m/s or more, corresponding to wind force 5), extreme drought, or dense fog that reduces visibility to an unsafe level. A mayor will immediately withdraw an exemption if such weather conditions are expected (see Section 2.4). The setting off of fireworks will also stop in situations where such weather conditions did not exist prior to set-off, but the weather conditions during set-off prevent a safe set-off nevertheless.

2.4 Withdrawal or refusal of an exemption application

All or part of an exemption will be withdrawn if weather or other conditions at the location for which an exemption has been granted, are expected to be such that the safe setting off of fireworks cannot be guaranteed. As specified in Section 2.3.3, this will be the case, for example, in the event of extreme drought, strong winds or dense fog such that the safety zone cannot be fully surveyed or visibility is less than 200 metres. The interpretation of this requirement can be based on Article 3.7 of the Commercial Fireworks Display Order. A mayor will also withdraw an exemption if it transpires that incorrect information was provided in the application, whereas provision of the correct information would have led to the refusal of the exemption, or, if changes have occurred in relation to the information provided in the application, which would have led to the refusal of the exemption if they had been known at the time of the application.

It stands to reason that such a decision should, where possible, be taken by 30 December at the latest, before the fireworks are made available to the exemption holder. Where it is necessary for such a decision to be taken when fireworks have already been made available to the exemption holder, the mayor will have the option to partially

withdraw the exemption. This will prevent an association or foundation from being immediately liable to prosecution for possessing consumer fireworks as soon as the exemption is withdrawn.

The Fireworks Decree also includes a number of situations in which mayors *can* decide to withdraw exemptions that have already been granted. This will be the case when an exemption holder fails to comply with one or more requirements, when it appears that incorrect information was provided in the application, whereas provision of the correct information could have led to the refusal of the exemption and, if it appears that changes have occurred that could have led to the refusal of the exemption if they had been known at the time of the application.

2.5 Type of fireworks

The type of fireworks that may be set off with an exemption is specified in the Consumer Fireworks Designation Regulations, as was also the case before the entry into force of the Safe New Year's Eve Act. Therefore, it is not permitted to set off F2 fireworks under an exemption if this was not permitted previously either.

2.6 Sale and availability

Pursuant to Section 9.2.2.1a(2) of the Environmental Management Act, the sale of F2 fireworks⁸ to persons other than those with specialist knowledge is prohibited. To supply associations and foundations with fireworks that they will be able to set off under an exemption, fireworks must be available for sale in the Netherlands. For this reason, Paragraph 6 of the aforementioned section stipulates that this ban will not apply on 29, 30 and 31 December if the purchaser is in possession of an exemption. The rules governing the sale of fireworks have been incorporated into the Fireworks Decree by means of this amending Decree. This Decree stipulates that a maximum of the number of kilograms of fireworks for which the exemption has been granted may be sold, per exemption, subject to a maximum of 200 kilograms. It has also been stipulated that sellers are obliged to check whether purchasers have exemptions.

The Fireworks Decree also specifies that fireworks may only be made available to exemption holders between 12 p.m. and 6 p.m. on 31 December. As such, fireworks may only actually be made available to exemption holders on the last day of the year. This ensures that fireworks are present at the set-off location as late as possible before the set-off time. Before a seller proceeds to make fireworks available, it will check whether the purchaser has an exemption and keep a copy of it in its records. When making fireworks available, a seller will provide fireworks goggles and a firework fuse for every 25 kilograms of fireworks made available. Failure to provide such safety equipment will be prohibited. The provision of fireworks goggles and fuses was already mandatory before the entry into force of the Safe New Year's Eve Act and, as such, is not a new requirement.

Although the sale of F1 fireworks (novelty fireworks) is still possible, professional technicians can still set off consumer fireworks and there will still be a demand for F2 fireworks under exemptions, the expectation is that the national ban on fireworks for consumers will cause the sale of F2 fireworks to fall. This also makes it likely that the number of points of sale will decrease. The number and location of points of sale will be left for the market to decide. The Fireworks Decree does not contain any rules in this respect.

Section 9.2.2.1a of the Environmental Management Act states that the sale of F2⁹ fireworks is prohibited, except on 29, 30 and 31 December if purchasers have exemptions. In practice, orders for fireworks are often placed earlier. This will continue to be possible pursuant to the Act, provided the purchase agreement contains a suspensive condition to the effect that the purchase agreement will not take effect before 29 December of the year in question. A proviso must also apply to cover the situation that

⁸ The same applies for F3 fireworks.

⁹ The same applies for F3 fireworks.

arises should an association or foundation not receive an exemption from the municipality.

2.7 Transport

Pursuant to Article 1.1.3.6 of the ADR¹⁰, the transport of certain quantities of dangerous goods is exempt from a number of obligations under the ADR. Because the maximum quantity of designated F2 fireworks has been set at 200 kilograms, their transport falls within the aforementioned partial exemption. As such, transport of the aforementioned fireworks is permitted. Transport will not be exempt from all the obligations applicable under the ADR. For example, fireworks must be labelled and marked correctly, the carrier must have a transport document and a fire extinguisher containing at least 2 kilograms of powder for flammability classes A, B and C must be available. A smoking ban applies too and requirements in respect of loading and unloading. Fireworks will be packaged in UN-approved packaging. The exact requirements are derived from the requirements set out in the ADR; no further requirements in this respect are specified in the Fireworks Decree. If more than 25 kilograms of consumer fireworks are being transported, the carrier will be required, pursuant to the Fireworks Decree, to demonstrate that the articles are intended for a natural person or a legal entity, by means of a consignment note as referred to in Section 2.13 of the Road Transport of Goods Act, or a bill of lading within the meaning of Book 8 of the Dutch Civil Code (Burgerlijk Wetboek).

Under the Fireworks Decree, it was prohibited, prior to the entry into force of the Safe New Year's Eve Act, to make consumer fireworks commercially available to private individuals at any location other than a space designated for sale to private individuals. This provision ensured that fireworks could only be made available to private individuals in shops and not at other locations. This provision is retained in the Fireworks Decree, in the sense that it also applies to the provision of fireworks to exemption holders. However, it may be desirable for a point of sale to deliver fireworks to the set-off site on 31 December, or to engage a carrier to do this on its behalf. This may be desirable for exemption holders in view of the requirements arising from the ADR regulations. Points of sale or importers may also wish to provide this service, creating a market for the provision of this service to associations and foundations. To facilitate the above, the Fireworks Decree states that the prohibition against making consumer fireworks available at a location other than the point of sale will not apply when fireworks are delivered to the set-off site by or on behalf of the seller.

2.8 Temporary presence

Pursuant to Article 1.2.4 of the Fireworks Decree, fireworks may only be available at a place that is not accessible to the public. As the fireworks covered by an exemption may only be made available to the exemption holder on 31 December, steps must be taken to ensure that fireworks are present on the set-off site for as short a time as possible. The exemption holder (an association or foundation) will be responsible for the safe storage of the fireworks in accordance with the requirements attached to the exemption. An exemption holder will take into account weather conditions (such as snow or rain), amongst other things. The set-off site will not be accessible to unauthorised persons and the fireworks will be protected from rain, for example, in this respect.

The exemption holder will also be responsible for the safety of the location where fireworks are being stored. For example, the exemption holder will ensure that the fireworks are not accessible to the public. To ensure this happens, the requirements state, amongst other things, that the set-off site is to be closed off to the public before fireworks are present on the set-off site. The association or foundation will also monitor the set-off site continuously. Furthermore, the requirements stipulate that open fires are not permitted in the safety zone (including the set-off site), smoking is prohibited and it is mandatory for a sufficient number of hand-held fire extinguishers to be available on the set-off site. Many of these requirements are largely comparable to the requirements applicable to professional technicians when they set off consumer fireworks. The municipality and the fire brigade can advise on this where necessary. Because fireworks

¹⁰ *Accord Européen relatif au transport international des marchandises Dangereuses par Route.* 13

may not be set off in an indoor space, the set-off site will always be located in an outdoor space.

It is not permitted to store the fireworks elsewhere between the time at which they are made available to the exemption holder and their temporary presence on the set-off site. This will be enforced by stipulating that fireworks may only be made available to exemption holders on 31 December and that the fireworks must be located safely at the set-off location.

2.9 Return

Situations may arise in which the fireworks purchased under an exemption and made available to the exemption holder are not set off. For example, when weather conditions do not permit the setting off of fireworks. Section 9.2.2.1a of the Environmental Management Act stipulates that exemptions from the prohibitions set out in the first subsection may only be granted for the purpose of setting off fireworks on New Year's Eve. The possession of consumer fireworks after New Year's Eve is not permitted under the Fireworks Decree either. Having regard to the above and for safety reasons, any fireworks that have not been set off must be returned safely to the point of sale from which they were purchased.¹¹ Therefore, the Fireworks Decree includes a requirement for exemption holders to return any fireworks that have not been set off by 6 p.m. on 1 January at the very latest.¹² Sellers are also required to accept the return of unused fireworks, free of charge, on 1 January in exchange for a return slip or an endorsement on the invoice.

2.10 Event permit

In many cases, an application for an event permit will be required in addition to an exemption application. For example, because the fireworks are being set off in a public place, or because (large) crowds will attend. The need for an event permit depends on the rules laid down by the municipal council in the municipality in which the fireworks will be set off. These rules will often be set out in a general municipal bylaw. Neither the Act nor the order in council will alter the autonomous power of the municipal council to lay down rules in this regard.

2.11 Civil liability

Unfortunately, fireworks cause damage and injury every year.¹³ It is important that the victims of this damage or injury are able to hold someone liable. Depending on the circumstances of the case, the victim may hold liable not just the individual who caused the damage or injury but also the exemption holder. Because the amending Decree states that an association or foundation may apply for exemptions, a legal entity can be held liable. As a rule, an organiser has a duty of care to prevent the risk of damage and injury. The municipality may be held liable in exceptional cases. For example, in the event of negligent conduct. When assessing the extent to which a person or legal entity can be held liable under civil law, it is also important to consider whether the victim is at fault (as well). To determine which party is liable for damage, general law and existing case law will apply; the present amending Decree does not lay down any further rules in this regard. It may be useful for exemption holders (as legal entities) to take out liability insurance. Mayors are responsible for deciding whether to advise or require exemption holders to do this so that individuals who suffer damage can effectively recover their damage from exemption holders. This decision will be left to mayors, who have the best overview of applications and, as such, are well placed to assess whether it is reasonable.

When applying for exemptions, it is important for associations and foundations to check whether their existing (current) liability insurance provides adequate cover for the setting off of fireworks, whether by themselves or other parties. It would also be wise for associations and foundations to check whether and which specific (additional) conditions

¹¹ They will be returned in closed, UN-approved packaging. Transport will be required to meet the same requirements as those applicable to transport from the point of sale to exemption holders.

¹² It is important that the fireworks are returned in line with the requirements of the seller. For example, fireworks must be returned in their original packaging.

¹³ VeiligheidNL reports on injury figures on an annual basis.

insurers would impose in this regard. If a legal entity does not (yet) have third-party liability insurance that would provide the cover required, temporary event insurance with liability cover could be an alternative.

3. Relationship to superordinate legislation

Pyrotechnic articles are largely regulated by the European Pyro Directive.¹⁴ Article 5 of this Directive stipulates that Member States are to take the necessary measures to ensure that pyrotechnic articles are only made available on the market if they comply with the requirements of the Directive. Under Article 4(2) of the Pyro Directive, a Member State is able to take measures to prohibit or restrict certain pyrotechnic articles. Thus, in the Netherlands, for example, there is a complete ban on marketing T1 pyrotechnic articles, F3 fireworks and certain F2 articles available to parties other than persons with specialist knowledge. The entry into force of the Safe New Year's Eve Act bans the possession and use of all F2 fireworks for consumers. The aforementioned fireworks may not be sold to consumers either. This ban will not apply if mayors have granted exemptions. **PM response from the European Commission**

4. Relationship to national regulations

Pyrotechnic articles are regulated in Dutch law mainly through the Fireworks Decree. Section 9.2.2.1(1) and (2) of the Environmental Management Act constitutes the principle basis for the Fireworks Decree. With the entry into force of the Safe New Year's Eve Act, an article, namely Section 9.2.2.1a, has been added to the Environmental Management Act. This section states that the possession and use of F2 and F3 fireworks will be prohibited for persons other than persons with specialist knowledge.¹⁵ The same section also states that the sale of this category of fireworks to persons other than those with specialist knowledge is banned. Section 9.2.2.1a(4) provides for an exception to this general ban on fireworks for consumers. The aforementioned subsection states that mayors may grant exemptions from the bans laid down in Paragraph 1 for the purpose of setting off F2 fireworks designated by or pursuant to an order in council on New Year's Eve. Section 9.2.2.1a(6) states that the sales ban will not apply on 29, 30 and 31 December to purchasers that have exemptions.

Section 9.2.2.1a(5) stipulates that rules will be laid down by order in council concerning the conditions under which mayors may, when asked to do so, grant exemptions for the setting off of designated F2 fireworks on New Year's Eve and the requirements that may be attached to exemptions. Pursuant to Section 9.2.2.1a(4) and (7), the F2 fireworks for which exemptions may be granted will be designated by order in council and rules are laid down by order in council on the sale of the designated F2 fireworks to purchasers that have exemptions.

5. Consequences (excluding financial consequences)

5.1 Consequences for citizens

Before the entry into force of the Safe New Year's Eve Act, consumers were permitted to set off fireworks designated as consumer fireworks in the Consumer Fireworks Designation Regulations from 6 p.m. on 31 December until 2 a.m. on 1 January. The fireworks in question were, more specifically, F1 fireworks (which are permitted throughout the year) and certain types of F2 fireworks (such as firework cakes). The F2 fireworks permitted may be sold during the last three days of the year. The entry into force of the Safe New Year's Eve Act introduces a ban on all F2 fireworks for consumers. This has direct consequences for citizens; They are no longer permitted to possess or set off F2 fireworks. This type of firework may no longer be sold to consumers either. These consequences have been set out in the explanatory memorandum to the Safe New Year's

¹⁴ 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.

¹⁵ The Fireworks Decree stipulates that F4, T1 and T2 fireworks may only be set off by persons with specialist knowledge.

Eve Act. The new section of the Environmental Management Act, being Section 9.2.2.1a, includes a possibility for mayors to grant exemptions. This possibility to grant exemptions is elaborated on further in the present amending Decree. This means that associations and foundations may still have fireworks in their possession and set them off on New Year's Eve, subject to certain conditions, provided they have obtained exemptions.

It is difficult to predict the exact extent to which the possibility to grant exemptions will be utilised or how many applications will be submitted. This largely depends on local policy too. In general, it follows from various discussions that the Ministry of Infrastructure and Water Management has conducted that it often depends on the city or village in question whether exemptions will be applied for or granted. For example, there are municipalities in the Netherlands that are in favour of fireworks to a greater or lesser extent. Various regions in the Netherlands are very experienced at organising small events within an association context in order to strengthen the sense of community and togetherness. In some cities or neighbourhoods in the Netherlands, municipalities or neighbourhood organisations have been discouraging the setting off of fireworks for some time now, to prevent incidents on New Year's Eve. It is unlikely that exemptions will be applied for or granted in municipalities or neighbourhoods like these. Sports clubs also generally discourage the use of fireworks at their clubs. For example, because of the damage that could be caused to sports fields. Therefore, it is not currently expected that sports clubs will apply for exemptions. However, associations themselves are ultimately responsible for deciding whether or not to apply for exemptions. It is up to the mayor in question to decide whether or not to implement policy in this respect.

5.2 Consequences for the structure and functioning of municipalities

The power to grant exemptions for the setting off of designated F2 fireworks on New Year's Eve, which power is created with the entry into force of the Safe New Year's Eve Act, has been conferred on mayors. This is a new power for mayors. Thus, should they wish to grant exemptions, municipalities must have a structure in place to receive and assess applications and monitor compliance with the requirements attached to exemptions.

5.3 Consequences for the fireworks industry

The entry into force of the Safe New Year's Eve Act, will ban F2 fireworks for consumers. This will have direct consequences for fireworks importers and retailers (points of sale for fireworks). This type of firework may then no longer be sold to consumers unless mayors have granted exemptions to purchasers. The development of a loss compensation scheme for this target group is part of a separate process. The possibility to grant exemptions means that fireworks may still be sold – but to a more limited extent – namely to associations and foundations that have been granted exemptions, and professional users can continue to use consumer fireworks in firework displays. The sale of novelty fireworks will still be permitted as well.

Exemptions will have consequences for fireworks companies that sell fireworks to exemption holders. A business impact assessment was used to identify these consequences. Before supplying fireworks, fireworks companies must check whether the prospective purchasers in question have exemptions. Sellers will be required to keep a copy of exemptions in their records so that the inspector can verify that consumer fireworks are not being sold to any party other than exemption holders (or persons with specialist knowledge) and that consumer fireworks are not being sold to exemption holders in excessive quantities.

Professional users may use professional fireworks, pyrotechnic articles for theatrical use and consumer fireworks when setting off fireworks commercially as part of professional fireworks displays. Consumer fireworks that may be set off under an exemption are designated in the Consumer Fireworks Designation Regulations, as was also previously the case. As such, these types of F2 fireworks will be deemed to be consumer fireworks while they are designated as such in the Consumer Fireworks Designation Regulations, and professionals will be subject to the same rules that currently apply to the setting off of consumer fireworks in professional displays.

5.4 Impact on regulatory burden

The Safe New Year's Eve Act introduces a nationwide ban on fireworks for consumers and gives mayors the power to grant exemptions for the use of designated F2 fireworks on New Year's Eve. The relevant conditions and requirements are elaborated on in this amending Decree.

When applying for exemptions, a regulatory burden arises for the associations and foundations that submit these applications. When applying for exemptions, associations and foundations will be required to meet the conditions applicable and observe the requirements that mayors attach to exemptions. It will also take time for applicants to familiarise themselves with the relevant conditions and requirements. The table below shows the regulatory burden estimated for associations and foundations for each activity. It should be noted that it is difficult to predict how many associations and foundations will apply for exemptions. The exact regulatory burden per activity also depends on how a mayor structures the application procedure. Therefore, it is only possible to estimate the regulatory burden resulting from the present amending Decree. The consequences for municipalities are set out in Section 5.2 of this explanatory memorandum.

P (cost per activity)			Q (number of activities per year)		Total (PxQ)
Activity	Time spent	Hourly rate	Estimated number of associations and foundations (range)	Frequency	
Familiarisation with obligations	5 hours	17 euros	500-1500	1	136.000-408.000 euros
Preparing a safety plan and site plan	3 hours				
Submitting application ¹⁶	3 hours				
Gaining knowledge of fireworks (e-learning or information package)	2 hours				
Filing exemption and invoice	1 hour				
If applicable: submitting other information to authorities in response to questions	2 hours				
Total	16	17	500-1500	1	

There are also regulatory burden consequences for fireworks companies that sell fireworks to exemption holders, as they will be required to check whether prospective purchasers have exemptions. A business impact assessment was used to identify these consequences; they are presented in the table below.

P (cost per activity)			Q (number of activities per year)		Total (PxQ)
Activity	Time spent in minutes	Hourly rate in euros	Estimated number of associations and foundations for which exemptions are checked (range)	Number of retailers	
Familiarisation with obligations	15 (once per retailer)	47	500-1500	850	
Setting up digital administration	90 (once per retailer)				

¹⁶ The exact regulatory burden will depend on the application procedure determined by the mayor in question. 17

Checking exemption	1				
Copying and filing exemption	2				
Submitting other information to authorities in response to questions	5				
Total	105 + 8	47	500-1500	850	
					€ 73.045 - € 79.312

In addition to the regulatory burden consequences above, compliance with existing ADR transport requirements may result in a regulatory burden for associations and foundations when they want to collect fireworks. Also - depending on the regulations imposed by the municipalities concerned - it will often be necessary to apply for an event permit. This may result in an additional regulatory burden. However, this regulatory burden has not been included or quantified in the regulatory burden calculation above because it relates to aspects that do not follow directly from the present amending Decree or depend on the regulations of local authorities.

5.5 Consequences for the BES

The Environmental Management Act and the Fireworks Decree, which is based on it, do not apply in the public entities of Bonaire, Sint Eustatius and Saba (BES). Therefore, the introduction of the Safe New Year's Eve Act, which amends the Environmental Management Act, and the amendment of the Fireworks Decree, which is based on the said Act, will have no consequences for the BES. The BES derive their autonomous regulatory powers from the rules set in respect of the sale, possession and use of fireworks. The legal construct of a ban combined with the power to grant exemptions, as included in the Safe New Year's Eve Act, is possible and features in the BES regulations. Therefore, there is no reason or power to apply the amendment to the European-Dutch fireworks regulations that are achieved by the present amendment to the Fireworks Decree to the BES *mutatis mutandis*.

5.6 Consequences for legal protection

Exemption applications will be submitted to mayors electronically. Decisions on exemption applications are decisions within the meaning of the General Administrative Law Act (*Algemene wet bestuursrecht*) and, as such, objections and appeals will be possible. Local residents may also lodge objections if they are interested parties. The criterion applied by the Division in this regard is whether parties might experience any significant consequences as a result of the decision.

5.7 Consequences for privacy

This amending Decree will not have any consequences for privacy. The General Data Protection Regulation (GDPR) protects individuals (natural persons), not legal entities (such as associations or foundations). The Fireworks Decree provides for the conditions under which mayors may grant exemptions and the minimum requirements to be attached to exemptions. Compliance with these conditions and requirements will not necessitate the processing of any personal data. Applicants will designate one or two supervisors and a limited number of technicians. However, applicants will not be expected to do this at the time of the application itself. Applicants will also be required to provide a telephone number at which the supervisor or supervisors can be contacted. Because exemption applications are submitted to mayors, the municipalities themselves will structure the application procedure. When municipalities request certain personal data in this context, it is their responsibility to ensure that this data is processed lawfully.

6. Implementation and enforcement

6.1 Responsibility of associations and foundations

Associations and foundations will apply for exemptions from mayors and will themselves be responsible for complying with the requirements attached to exemptions. In the event of infringements or emergencies, responsibility and liability will lie with the party that applied for and received the exemption in question, in this case an association or foundation.

6.2 Division of powers at a local level

The power to grant exemptions will be conferred on mayors. It is up to mayors to supervise (or arrange the supervision of) compliance with the conditions under which exemptions are granted. Mayors will also determine the minimum safety distances.

Mayors may grant exemptions but are not obliged to do so. Mayors may formulate policy to this end in a policy rule. In consultation with the tripartite consultation, mayors may decide not to grant any exemptions, or to grant just a certain number of exemptions, in their particular municipalities. When granting exemptions, mayors will comply with the conditions and requirements of the Fireworks Decree. If applications meet the conditions laid down therein, mayors will not be obliged to grant exemptions. Based on other applicable legal frameworks, mayors may decide not to grant exemptions if they deem this appropriate. Mayors may also continue to exercise their powers under the Municipalities Act (*Gemeentewet*) in the context of their responsibility for public order.

The municipal council may establish firework-free zones based on its autonomous regulatory authority, as was also possible prior to the entry into force of the Safe New Year's Eve Act. It may also still be decided to make the entire municipality in question firework-free.

Provincial and municipal authorities will continue to be the competent authorities for the granting of permits, supervising compliance with and enforcing requirements in the context of professional fireworks displays (provinces) and fireworks storage (municipalities). Environmental services currently play a role in the granting of permits and the supervision of storage facilities (on behalf of municipal authorities) and professional fireworks displays (on behalf of provincial authorities), as this task has been delegated to environmental services in many cases. The Safe New Year's Eve Act and the present amending Decree do not introduce any changes in this regard.

6.3 Tripartite consultation and the fire brigade

If desired, mayors may seek advice from the tripartite consultation and the fire brigade when assessing applications. In this way, mayors can avail themselves of the expertise necessary to decide whether or not to grant exemptions and, where appropriate, withdraw them. It is important that the fire brigade and police are aware of which exemptions have been granted. Therefore, it would seem logical for mayors to inform the tripartite consultation and the safety region of the number of exemptions granted and of the locations to which they relate. This ensures that the police know where fireworks are being set off legally on New Year's Eve and the fire brigade knows which location fireworks are being stored at temporarily in the context of exemptions.

6.4 Enforcement

Having regard to the above, it is the responsibility of individual municipalities to monitor compliance with the conditions under which exemptions have been granted. As a rule, this will be done by special investigating officers (BOAs) who work for the municipality in question. In general, the police can play a role in both the investigation of criminal offences by the Public Prosecution Service and in the enforcement of public order by mayors. It is the responsibility of the local competent authorities to make agreements within the tripartite consultation on the capacity and deployment of special investigating officers and police in their municipalities. Ultimately, it is the responsibility of the public prosecutor to decide how to respond to a criminal offence.

Depending on the situation, administrative or criminal enforcement may be carried out. Violation of the provisions of the Fireworks Decree, as well as the requirements attached to exemptions granted under the Fireworks Decree, will be punishable under the Economic Offences Act (*Wet op de economische delicten, WED*).

Enforcement is discussed in more detail in the Enforcement Plan drawn up by the Ministry of Justice and Security (JenV), in cooperation with all relevant partners.

7. Financial consequences

Depending on when it enters into force, the Safe New Year's Eve Act will have financial consequences for the fireworks industry. The development of a loss compensation scheme for this target group is part of a separate process in which the industry is involved. Therefore, the financial consequences already ensue from the Act. The present amending Decree, which elaborates on the possibility to grant exemptions, does not have any additional financial consequences. However, the specifics of the possibility to grant exemptions may have consequences for the quantity of fireworks that the industry is still able to sell in the context of exemptions.

8. Advice and consultation

8.1 Dutch Advisory Board on Regulatory Burden

On 7 November, the draft Safe New Year's Eve Decree was submitted to the Dutch Advisory Board on Regulatory Burden (ATR) for review. On 11 December 2025, ATR issued its advice. ATR also published an additional opinion on 14 January 2026.

ATR concludes that the Decree contains a specific elaboration of the possibility to grant exemptions provided for in the Act. It also states that the proposal contains a substantiation of the specific conditions that are attached to exemptions. It notes that, at the time of the assessment, no clarity had been achieved yet about the enforceability of the fireworks ban combined with the possibility to grant exemptions. It suggests providing insight into enforceability before proceeding with the final adoption of the Decree.

In response, the government states that the results of the HUF assessments (assessment of enforceability, feasibility and fraud-resistance) have been incorporated into Section 8.2 of this explanatory memorandum. The enforcement aspects, including the bottlenecks identified in the HUF assessments, will be addressed separately with all the partners involved within the framework of the Enforcement Plan of the Inspectorate of Justice and Security.

ATR advises explaining which alternative interpretations of the possibility to grant exemptions have been considered and also considering the target range, practicability and cost implications of these alternatives.

In response, the government states that, as ATR also notes in its advice, the Policy Compass looked at the various alternatives considered. The explanatory memorandum has been supplemented on this point in response to this advice (see Sections 2.1 and 8.3). In response to this advice and the additional opinion, consideration was also given to the proposed option to determine the number of permitted exemptions per municipality in the Decree. Section 5.4 of the explanatory memorandum discusses the regulatory burden consequences of the preferred option set out in the present Decree. The government does not feel this is necessary for all the alternatives considered.

ATR advises that a further explanation be provided of the practicability of exemptions for associations and foundations, addressing a number of specific points and the results of the pre-consultation with this target group. Specific points include the practicability of the transport requirements, the requirements that a safety plan and site plan are to meet, liability insurance and the question of whether the availability times on 31 December and 1 January are practicable for associations and foundations.

In response, the government states that, as also indicated in the ATR advice, the Ministry of Infrastructure and Water Management has gathered input from a broad representation of organisations, such as the police, the Public Prosecution Service, the Human Environment and Transport Inspectorate, municipalities, local competent authorities, the fire brigade, insurers, (umbrella organisations of) sports and neighbourhood associations and the fireworks industry.¹⁷ Discussions with fireworks enthusiasts and the National

¹⁷ See Section 2.1 of the explanatory memorandum.

Association for Small Villages (Landelijke vereniging voor kleine kernen (LVKK)), amongst others, revealed a need for an accessible way to apply for exemptions. This has been taken into consideration in the specifics wherever possible. For example, an insurance requirement has not been made mandatory and municipalities are being given as much scope as possible – and trust placed in associations and foundations – to organise fireworks. Section 2.2.2 of the explanatory memorandum discusses the site plan and the safety plan. It states that the safety plan is to include a site plan and that this is to at least indicate the location of the set-off area, the set-off site and the safety zone, as well as the scale of the plan. Also, the registered-office location requirement has been removed so that associations and foundations do not need to change their registrations with the Chamber of Commerce if they want to set off fireworks in a neighbouring municipality, for example. Also, with a view to practicability and to avoid fireworks being left with associations and foundations, the deadline for returning surplus fireworks has been extended to 6 p.m. on 1 January. This is explained in Section 8.3. However, to safeguard safety, it has been considered necessary to lay down a number of rules and requirements to protect technicians, bystanders and local residents. Municipalities have also asked for safety requirements to be laid down at a national level as much as possible. Bearing this in mind, some regulatory burden is unavoidable in a number of areas, whereby focus has concentrated on practicability for associations and foundations wherever possible.

In its advice, ATR mentions two examples of how practicability could be improved for associations and foundations. For instance, it suggests facilitating an integral application for the setting off of fireworks, which includes an application for an event permit. ATR also suggests providing guidance on and examples of the safety plan and site plan. The government responds as follows. The government agrees with ATR on the importance of the application process being as straightforward as possible. The municipalities themselves are responsible for deciding how to structure the application process. As indicated in Section 2.10 of the explanatory memorandum, applicants will need to apply to the mayors in question for both an exemption for setting off fireworks and an event permit. Whether or not an event permit is required depends on the rules that a municipality has laid down in the relevant general municipal bylaw. Therefore, this is a municipal power. Although the government endorses the object of the suggestion of ATR, it cannot make this mandatory in the present Decree. However, this will be discussed with VNG. The government also states its agreement with the helpfulness of drawing up guidelines. It would seem logical for VNG to draw up such guidance, as it would relate to municipal application processes, with input from central government where necessary. The government is currently in discussions with VNG about this matter. The explanatory memorandum has been supplemented in several places as a result (Sections 2.1, 8.2 and 8.3).

ATR advises that the practicability of the proposal for (SME) companies be explained in more detail, also addressing a number of points that ATR has raised. These points are the requirements that have consequences for retailers, such as checking exemptions when they wish to sell fireworks to exemption holders.

In response, the government states that the object of these requirements is to ensure that fireworks are only sold to exemption holders and that unused fireworks are not stored in the premises of associations or foundations for any longer than necessary, for safety reasons. With this in mind, some regulatory burden is inevitable. The government recognises that these requirements will have consequences for company owners. Company owners would naturally perceive a situation in which these requirements did not apply as more practicable. Nevertheless, the government believes that the requirements are sufficiently practicable and, moreover, necessary for safety reasons. Given the online consultation responses, the time frame for the return of unused fireworks has been extended to 18.00 on 1 January for reasons of practicability. The regulatory burden is set out in Section 5.4 of this explanatory memorandum, determined on the basis of a business impact assessment.

ATR states that the proposal contains qualitative and quantitative specifics of the regulatory burden consequences. ATR states that the regulatory burden analysis was carried out in accordance with the government-wide methodology on the specific

requirements of the current Decree. However, ATR states that the analysis provides an incomplete picture of the time spent and costs incurred by associations and foundations if they want to obtain exemptions and organise fireworks displays on New Year's Eve. It refers, amongst other things, to the ADR transport requirements and additional requirements from municipal regulations, such as, an application for an event permit, where applicable. Therefore, ATR advises supplementing the regulatory burden analysis with information about the time spent and the costs that applicants incur for exemptions. The government responds by stating that the regulatory burden calculation is based on the regulatory burden resulting from the new rules laid down in the present Decree. It is not possible for the government to calculate the regulatory burden for all the other (existing) requirements. It should also be noted that municipalities have the power to grant event permits. Application procedures can vary from one municipality to another and, as such, the regulatory burden too. However, the government agrees with ATR that it is important to mention this in the regulatory burden section, as these aspects can indeed be perceived as a regulatory burden. The explanatory memorandum (Section 5.4) has, therefore, been supplemented in response to this comment.

8.2 Assessment of enforcement, feasibility and fraud-resistance

ILT, the Public Prosecution Service and the police have assessed the enforceability, feasibility and fraud-resistance of the Safe New Year's Eve Act and the draft of the Safe New Year's Eve Decree. VNG has conducted an implementation assessment. The results of these assessments are described below.

Human Environment and Transport Inspectorate

ILT arrives at the assessment that the Act and the Decree submitted are sufficiently enforceable, feasible and fraud-resistant. However, ILT does propose a number of clarifying amendments to the articles and the explanatory memorandum, to improve verifiability and, as such, enforceability as well. These points have been adopted wherever possible. For example the new definitions in Article 1.1(3) have been declared applicable to Articles 2.3.2.a and 2.3.4 too because a number of these concepts feature in the articles in question. Also, the phrase 'the fireworks in question are' is inserted in Article 1.2.4(2)(a) to clarify that the exemption does not apply to theatrical pyrotechnic articles.

ILT proposes that an addition is made to Article 2.3.2b(3)(k) and Article 2.3.3(4) to the effect that fireworks are to be returned with a return slip or endorsement on the original invoice. This suggestion has been adopted. As an obligation on the part of the seller is the case here, it has been decided to only include this requirement in Article 2.3.3(4) of the Decree. ILT also suggests a further clarification of the prohibition against supervisors and technicians being under the influence of alcohol or other intoxicating substances. The Decree has been amended accordingly. Following a suggestion by ILT, the explanatory memorandum clarifies that the interpretation of the requirement included in Article 2.3.2b is consistent with Article 3.7 of the Commercial Fireworks Display Order. ILT also proposed deleting the phrase 'unless otherwise specified' in Article 2.3.2(a)(3). This suggestion has not been adopted because the phrase in question is consistent with the Commercial Fireworks Display Order. After all, the prescribed safety distances may be greater than those stated on the label or in the safety data sheet. Another example is the introduction of the mandatory use of a firework fuse pursuant to the present Decree (2.3.2a(2)(f)). Mayors may also lay down additional requirements.

Finally, ILT had a general question about whether, within the framework of exemptions, exemption holders are permitted to purchase fireworks abroad. In principle, exemption holders are permitted to purchase fireworks in other countries, provided the fireworks in question comply with the regulations applicable in the Netherlands, including the Consumer Fireworks Designation Regulations. Under no circumstances is it permitted to purchase fireworks abroad and have them delivered by parcel post. Exemption holders must be aware that the return obligation applies in full for fireworks that have been purchased abroad. Because sellers that do not have registered offices in the Netherlands cannot be subject to the obligation to accept the return of unused fireworks, it is important for exemption holders to ensure that unused fireworks can be returned to foreign sellers within the prescribed time frame.

Police

In the HUF assessment, the police observe that it is not possible to make firm statements about the capacity use required of the police based on the parameters currently known. According to the police, the general rule of thumb is that an additional burden is created for the police if something is made a criminal offence, as more enforcement is required.

In the HUF assessment, the police indicate that it is not possible to realistically estimate the impact at the time of implementation. Therefore, the assessment is based on a number of research-based assumptions that might not be correct in practice. The general view of the police is that introduction of the Act will result in greater demands being placed on police capacity than is currently the case. After a period of several years, capacity demand will decrease and fall below the current level. According to the police, the pace at which this process will happen and the time at which the pressure on capacity will ease depends on many factors: the extent to which people will comply with the Act, the effect of the Act on the detection of illegally-traded F4 fireworks, the speed at which society adapts to the fireworks ban, the extent to which partner organisations (like municipalities and inspectorates) are able to play a role in enforcement and detection and the extent to which other factors on New Year's Eve, such as arson and violence, continue to require significant police resources.

The police see no role for themselves in the enforcement and supervision of the setting off of fireworks by associations or foundations within the framework of exemptions. According to the police, this is a task for municipalities (with the deployment of special investigating officers), including the assessment of safety measures in the preparatory phase. The police state that they do not have a unique knowledge of the risks that events pose. Therefore, according to the police, it is conceivable that - as with other types of events - mayors might ask the police for advice when assessing permit applications for fireworks events, not just about the risks of the event in question based on public and internal police information about the location, mobilisation capacity and specific target group, but also about the risks arising from a concentration of events on one single day. Thus, it is wise to assess any public order issues that do fall within the remit of the police in advance and they should be taken into consideration when evaluating permit applications. The analysis shows that this burden is fairly minimal and will have little impact on police practice. The police also state that they will continue to respond to excessive violations, crimes and public order disturbances.

Besides intensifying enforcement and border control, the police also place great importance on the (proactive) investigation of illegal trade and production. Finally, in the HUF assessment, the police draw attention to the following, amongst other things: an increase in the number of fireworks seizures and the disposal of these fireworks. According to the police, this will lead to higher costs but also to an increased workload for seizure administration and longer waiting times on location for police officers. According to the HUF assessment, a growth in seizure numbers will also have significant consequences for expenditure on specialist transport. In response, the government states that it will enter into discussions with the police about possibilities to cover all or some of these costs.

The police recommend that implementation of the Act is monitored on a structural basis and that a broad implementation assessment be carried out after one year. The government agrees with the police that monitoring will be vital in the years ahead, both in terms of the practical implementation of the power to grant exemptions and consequences for implementation and enforcement. In addition to annual monitoring, the possibility to grant exemptions will be evaluated after three years.

Association of Netherlands Municipalities

VNG states that the impact for municipalities will depend on whether or not associations and foundations will have the option to apply for exemptions. Each municipality must consider whether or not it will offer this option. If this option will be offered, the municipalities in question must then, amongst other things, set up a process for exemption applications, the assessment of applications and the supervision and

enforcement of the requirements pertaining to exemptions. According to VNG, the decision on whether or not to facilitate exemptions is a very complex consideration, which all 342 municipalities will need to make. According to VNG, this choice depends, amongst other things, on the level of support among residents (supporters and opponents), current problems on New Year's Eve (and how these will be affected if an exemption is or is not granted), the extent to which alternatives are possible (for example, fireworks displays), enforceability, feasibility and liability.

VNG refers to the issue of liability as a specific risk for municipalities. It states that municipalities may require liability insurance as an exemption requirement, although this will probably be a barrier for applicants. It also wonders whether this type of insurance will be offered (at an affordable price). It fears that, by not imposing this insurance requirement, a municipality will risk being held liable if the fireworks cause damage due to carelessness or a wrongful act. VNG recommends that clarification be provided at a national level about the allocation of liability between municipalities and exemption applicants so that neither mayors nor exemption holders are faced with unacceptable financial risks.

The government responds to the above as follows. As indicated in Section 2.11, frameworks are already in place for natural persons or legal entities to be held liable in the event of damage or injury. The present Decree does not lay down any further rules in this regard. It is the responsibility of mayors to determine whether they will also advise or require exemption holders (legal entities) to take out liability insurance. This decision will be left to mayors, who have the best overview of applications and, as such, are well placed to assess whether it is reasonable.

VNG states that enforceability is an important element for mayors to take into account when considering whether or not to offer exemptions. VNG states that possibilities for supervision and enforcement are already limited in the current situation. VNG states that special investigating officers are currently not involved in enforcement activities on New Year's Eve, or just to a very limited extent, because they are not generally on patrol on the evening in question because of the danger involved. For this reason, VNG believes that it is not feasible to monitor the exemption conditions and requirements on New Year's Eve. However, prior monitoring is possible. In response to the above, the government says that the issue of enforcement and, more specifically, the deployment of special investigating officers, will be addressed in more detail in the Enforcement Plan that the Ministry of Justice and Security is preparing. Parallel to the entry into force of the Act, work is under way, in collaboration with partners, on decision-making on the monitoring and enforcement powers of special investigating officers.

In the feasibility assessment, VNG states that for 2026 in particular there will be a very short lead time for preparations to pave the way for exemptions. A specific point of attention here is the need to include provisions about exemptions in the general municipal bylaw. It is also important for a reference to the Safe New Year's Eve Decree to be included in the general municipal bylaw. Therefore, VNG recommends providing clarity about the legal basis for the implementation of measures by municipalities if the Safe New Year's Eve Decree has not been published yet. In response, the government states that municipalities must comply with the Safe New Year's Eve Decree but do not need the Decree as a legal basis for the general municipal bylaw. The general municipal bylaw is adopted by the municipal council. However, the Safe New Year's Eve Decree is required as the basis on which exemptions are granted.

VNG states that, according to the specifics presented to it, the intention is for mayors to incisively assess whether the conditions set have been met before granting exemptions. According to VNG, formalising this role will significantly increase the role played by municipalities. VNG expects that many different departments within each municipality will be involved in this assessment.

In response, the government states that it recognises that the power to grant exemptions, the assessment of conditions and the imposition of requirements as included in the present Decree may increase the role played by municipalities. This is inherent to the amendment adopted by the Lower House. It is important that a number of aspects included in the Fireworks Decree by the present amending Decree are

included as conditions. After all, it is advisable for mayors to be able to assess a number of aspects in advance - for example, the location - taking into consideration the safety of technicians, supervisors, bystanders and local residents, amongst other things. Guidelines can help mayors weigh up options and make decisions.

VNG has indicated that the ability to facilitate exemption applications in a municipality will also depend on the extent to which residents adhere to the fireworks ban. Municipalities see opportunities in the field of (national) communication, prevention efforts (for example, by youth workers) and the promotion of alternatives that make it possible to eliminate fireworks nuisance in the longer term.

In response, the government states that these points are recognised. The enforcement aspects and focus on prevention are discussed in detail in the aforementioned Enforcement Plan. This discussion also includes communication, which is being taken up jointly by the Ministry of Infrastructure and Water Management and the Ministry of Justice and Security.

VNG makes a number of other recommendations in the implementation assessment. VNG suggests drafting guidelines with an assessment framework that helps decision-making on whether or not to grant exemptions and the conditions to be attached to them. In response, the government states that it agrees with VNG that drafting guidelines may help municipalities with the choices they have to make. It would seem logical for VNG to prepare such guidelines, with input from central government where necessary. VNG also recommends an assessment of the extent to which associations and foundations will utilise the possibility that mayors have to grant exemptions. In response, the government states that it intends to commission such a survey in the first quarter of 2026. VNG also recommends the development of a standard digital form, the compilation and availability of sample material and the encouragement of regional policy coordination to limit differences between municipalities. The government says that it supports these recommendations. However, it would seem logical for VNG and municipalities to take the lead in this regard, with input from central government where necessary. VNG also recommends the development of a training course for employees who supervise exemptions, focusing on their powers and duties when supervising and enforcing exemptions. The government recognises that this is important. However, training and education are the primary responsibility of the employer.

VNG also makes various recommendations in the context of communications about the new rules. The government agrees with VNG that communication about the upcoming new rules is of great importance. This will be discussed in more detail in the Enforcement Plan.

Public Prosecution Service

The Public Prosecution Service is responsible for preserving law and order in the Netherlands. The Board of Procurators General, which heads the Public Prosecution Service, (hereinafter: the Board) has assessed the enforceability, feasibility and fraud-resistance of both the Decree and the Act. The Board believes that enforcement of the Decree is feasible provided a number of matters are elaborated on in the Enforcement Plan prepared by the Ministry of Justice and Security and the joint partners.

The Public Prosecution Service points out that the new criminalisation of the possession and use of consumer fireworks in the days leading up to and on New Year's Eve represents a significant change from the current legal framework. The Public Prosecution Service notes that the possession and use of consumer fireworks by persons without specialist knowledge or exemptions is considered a serious offence. Since some offences are worse than others, the Board does not feel it is reasonable to impose severe punishments on the possession and use of smaller quantities of consumer fireworks. The government recognises that the Safe New Year's Eve Act makes the possession and use of F2 fireworks by private individuals punishable throughout the year, except where mayors have granted exemptions, to set off fireworks on New Year's Eve.¹⁸ The Public

¹⁸ Novelty fireworks will continue to be permitted throughout the year. The use of consumer fireworks at professional fireworks displays will continue to be possible as well.

Prosecution Service and the judiciary are responsible for determining the punishment reasonable, subject to the statutory maximum penalties, in individual cases.

In general terms, the Board expects an increase in the number of cases for both the public prosecution offices and the Central Processing Office. The Board states that if penalty orders are used to deal with the possession and use of banned fireworks, these cases will be sent to the Central Processing Office as fact-coded cases. Because the capacity required, in terms of police and special investigating officers is not known yet, the Board says that it is not possible to estimate the number of additional cases this will generate yet. According to the Board, the increase in the number of criminal investigations is still difficult to estimate. A cautious estimate is that it will be possible to handle these cases within the existing activities of the public prosecution offices, the Central Processing Office (Parket Centrale Verwerking) and the National Office for Serious Fraud, Environmental Crime and Asset Confiscation (Functioneel Parket). The expectation is that the increase in the number of cases could start to decrease after a few years.

According to the Board, enforceability depends on the capacity available at the Public Prosecution Service, the police and the Royal Netherlands Marechaussee and also on the possibility of using the services of special investigating officers. The Board points out that maximum police deployment to maintain public order on New Year's Eve has already been the case in recent years. According to the Board, this will also have consequences for the number of criminal cases involving the possession and use of consumer fireworks without exemptions that are brought before the Public Prosecution Service and, thus, for the possibility for the Public Prosecution Service to contribute to the establishment of clear standards for New Year's Eve by instituting criminal proceedings. In response, the government states that this issue will be addressed in the Enforcement Plan.

The Board also considers it desirable, in principle, that checks on the possession and use of smaller quantities of consumer fireworks on the street also be carried out by special investigating officers. The Board asks the Minister of Justice and Security to amend the Regulation on domain lists for special investigating officers (Regeling domeinlijsten buitengewoon opsporingsambtenaar) where necessary, so that the special investigating officers referred to in Domain I, Domain II and Domain VI at the very least are responsible for investigating the criminal offences referred to in Section 9.2.2.1a(1) of the Environmental Management Act in conjunction with Section 1a(1°) of the Economic Offences Act. These special investigating officers should also be given the power to confiscate any consumer fireworks they find. The Board also states that the deployment of special investigating officers will only have added value if they are able to carry out checks independently and as such, without having to involve the police. Furthermore, the Board expresses the importance of special investigating officers being trained and equipped before the entry into force of the ban on the possession and use of consumer fireworks. The government takes note of this.

9.2.2 The Board also asks the Minister of Justice and Security to add Section 9.2.2.a(1) of the Environmental Management Act to Article 3 of the HALT-offences (Designation) Decree 2024 (Besluit aanwijzing HALT-feiten 2024) so that investigating officers working for the police can offer a HALT settlement if minors are in possession of or using consumer fireworks. The government understands the wish of the Board and will address this request with it in the HALT decision-making process.

The Board points out that acting in violation of the exemption conditions is equivalent to acting without an exemption. Therefore, the possession and use of consumer fireworks is a criminal offence in this case. The Board states that, although agreements about the deployment of special investigation officers and the police can be made within the tripartite consultation, it wants to stress that it is ultimately up to the public prosecutor to decide how to respond to criminal offences. The explanatory memorandum has been clarified accordingly.

The Board stresses that the deployment of the police in the 24 hours before and after New Year's Eve is, traditionally, always under pressure. As a result, there is just limited scope for additional investigative efforts and the number of criminal cases that can be

taken up is expected to remain limited, with consequences for the desired normative effect.

The Board outlines three different approaches to criminal prosecution for the rest of the year. Throughout the year, the criminalised trade in consumer fireworks can be addressed in conjunction with the investigation of trade in fireworks that are already illegal now. In the first few years after the entry into force of the sales ban, additional checks can be carried out at the points of sale where consumer fireworks were previously sold. Secondly, consumer firework imports can be checked at the borders of the Netherlands in the weeks and days leading up to New Year's Eve. Thirdly, in the days leading up to New Year's Eve, checks on the possession or use of smaller quantities of consumer fireworks can be carried out at street level; the police will record these offences, confiscate the fireworks and issue fines. In response, the government states that these points will be addressed in the Enforcement Plan.

The Board also requests additional resources to make it possible to meet the anticipated increase in seizures and the need for the safe transport and destruction of illegal consumer fireworks. In response, the government states that, as previously indicated, discussions will be held with the Board to explore the options available in this regard.

The Board states that it would appreciate it if an implementation assessment could be carried out on the enforcement and criminal-law consequences of the Safe New Year's Eve Act and the Safe New Year's Eve Decree several years after their entry into force. The government agrees with the Board that monitoring will be vital in the years ahead, both in terms of the practical implementation of the power to grant exemptions and consequences for implementation and enforcement. The possibility to grant exemptions will also be evaluated after three years.

Finally, the Public Prosecution Service mentions that, besides a structural impact, the Safe New Year's Eve Act and the Safe New Year's Eve Decree will have one-off implementation consequences for the Public Prosecution Service. This will involve the formulation of new policy, the creation of new fact codes, changes to work processes, the preparation of new prosecution guidelines or the amendment of existing ones and the organisation of a knowledge session.

8.3 Online consultation

The draft Decree was available for an online public consultation from 7 November to 5 December 2025. A total of 1353 responses were received to the online consultation, of which 1164 were public responses. Most responses were submitted by private individuals and others were submitted by companies and government organisations, whether or not represented by umbrella organisations or trade associations. The responses will be discussed below, organised by theme.

National fireworks ban for consumers

A large number of the responses argue against the introduction of a national fireworks ban for consumers, for reasons including the tradition that will be lost as a result. One response refers, with this in mind, to the National Inventory of Intangible Cultural Heritage (Nationale Inventaris Immaterieel Cultureel Erfgoed). Various responses also state that incidents on New Year's Eve are mainly due to the behaviour of troublemakers. Several responses, including the response from Vuurwerkcheck, argue in favour of postponing the introduction of a nationwide fireworks ban and aligning with European developments. The submitters of a number of responses state that they are happy about the introduction of a national fireworks ban.

In response, the government states that the introduction of a national fireworks ban for consumers has followed on from the adoption of the Safe New Year's Eve Act by the Lower House and the Upper House. The present Decree merely elaborates on the power that mayors have to grant exemptions as set out in the Safe New Year's Eve Act.

The submitters of a number of responses mention the great value placed on the togetherness and connectedness associated with the setting off fireworks, making it a shame that a national ban on fireworks is being introduced.

The government points out that the setting off of novelty fireworks will continue to be permitted throughout the year. Professional shows will continue to be possible as well. The Safe New Year's Eve Act also enables mayors to grant exemptions. The setting off of fireworks in an association setting could actually strengthen the sense of togetherness in a neighbourhood or village.

Many of the responses express concerns about the illegal trade in and misuse of (heavy) fireworks. Many citizens who responded say that illegality needs to be tackled and fear that a nationwide ban on fireworks will increase illegal trade.

The government agrees that the illegal trade in and misuse of professional fireworks is unacceptable. Because of this, the government is actively working with various partners to tackle this issue, at a national, European and international level.

A number of responses, including those from the trade associations of importers (pyrotechnic interest group for the Netherlands (Belangenvereniging Pyrotechniek Nederland); hereinafter: BPN) and retailers (VuurwerkCheck and the foundation of firework dealers in Dutch consumer fireworks (Stichting Vuurwerkdealers Nederlands Consumentenvuurwerk); hereinafter: SVNC), discuss the financial consequences of the Safe New Year's Eve Act for fireworks sellers.

In response, the government states that a compensation scheme has been worked on in consultation with the fireworks industry in a separate process.

Several responses state that a nationwide ban on fireworks for consumers is contrary to EU law.

In response, the government states that the Pyrotechnics Directive stipulates that Member States will not ban, restrict or hinder the marketing of pyrotechnic articles that satisfy the requirements of the Directive. However, an exception is possible in Member States for F2 and F3 articles, for reasons including public order or health.

Alternative policy options

The Policy Compass was consulted when drafting the draft Decree. The Policy Compass includes a scenario in which a mayor designates a set-off location for fireworks on New Year's Eve. This may apply to everyone (variant A) or exclusively to members of an association (variant B). This scenario has not been developed further because it is less consistent with the objectives of the initiators. In the context of the online consultation, the government stated that, if desired, the responses to the online consultation could reflect on this as well. Some of the responses, including those from Vuurwerkcheck, say that they support a scenario in which everyone, or all the members of an association, may set off 25 kilograms of fireworks per person at a location that a mayor has designated. According to various responses, this scenario provides the most scope. The government states that this scenario is not consistent with the objective of the Safe New Year's Eve Act and, as such, has not been developed further. This is because parliament has chosen to impose a national fireworks ban on consumers, with the exception of the organised groups of citizens that are able to obtain exemptions. Therefore, it is not consistent with this approach for mayors to simply designate locations where everyone is allowed to set off fireworks; this is already the case, as scenario 1 in the Policy Compass implies. Furthermore, the proposers of the amendment that introduced the power to grant exemptions in the Safe New Year's Eve Act had in mind that fireworks would be set off by organised groups of citizens, such as neighbourhood and community associations. It is important that the setting off, possession and purchase of fireworks are the responsibility of one and the same legal entity, in this case an association or foundation. Therefore, exemptions will be granted to associations and foundations; the Act does not link an exemption to a location. The question also arises as to whether merely designating a location (variant A) can be regarded as granting an exemption, whereby an exception is made in an individual case. According to the government, scenario 1 undermines the objective of a nationwide ban. It would simply mean that there is no ban on fireworks at locations that mayors designate, without any additional rules or conditions. This would create a situation that is similar to one in which there is no nationwide ban on fireworks for consumers but just a ban on a smaller scale. This would make it impossible to prevent injuries and incidents. Scenario 1 is also difficult to enforce because the implementing and enforcement bodies do not know which parties

are permitted to set off fireworks and is not in a position to effectively check that this is done safely (e.g. whether a sufficient distance is the case). There would also be a risk of a magnet effect, causing situations to become impossible to monitor, with all the associated risks, for the emergency services and others. This is also mentioned in several responses to the online consultation. The proposers of the amendment feel that attention should be paid to the safety of transport, storage and set-off, as well as to feasibility and enforceability. In the debates, both Houses also called for attention for the safety of fireworks, their transport and storage and the requirements to be imposed on exemption holders (such as legal form and insurance). The specifics set out in the Safe New Year's Eve Decree are consistent with this. The national working group of fireworks coordinators (Landelijke Werkgroep Vuurwerkcoördinatoren (LWVC)) also says that scenario 1 is unenforceable and would cause problems in practice. It supports scenario 2, as it comes closest to the objectives and requirements of the Commercial Fireworks Display Order and strikes a good balance between ensuring that fireworks are set off as safely as possible by non-professionals without imposing unnecessary requirements. The fireworks manifesto (Vuurwerkmanifest) and various private individuals favour scenario 2 as well. The Lung Foundation Netherlands (Longfonds) says that scenario 1 is not its preferred option.

A number of responses propose other ways to implement exemptions. For example, personal fireworks certificates could be issued to individuals aged 18 or 21 after completing mandatory safety training; these certificate holders alone would be allowed to purchase and set off fireworks. The fireworks purchased would then be given a unique number or code. The certificate could be revoked in the event of misuse or violation. A card is also proposed, for which each Dutch citizen would be able to apply. After background checks, this could be issued and used to purchase fireworks.

The government expresses its appreciation of these initiatives and proposals. However, the certification and card systems are not consistent with the objective of a nationwide ban on fireworks. Furthermore, according to the explanatory memorandum, the initiators of the exemption wanted neighbourhood and community associations, etcetera to be able to apply for exemptions, not private individuals.

Specifics of conditions and requirements

Some responses specifically address the specifics of the Safe New Year's Eve Decree as presented in the online consultation. Some of the responses express satisfaction with the specifics presented there. LWVC, consisting of representatives of the competent authorities for granting set-off consents for professional fireworks displays and supervising these displays, says that the concept specifics put forward in the online consultation are sound and will facilitate the achievement of the objective of the Safe New Year's Eve Act. LWVC says that the proposal presented strikes a good balance between the requirements necessary to guarantee safety without imposing unnecessary requirements on associations and foundations. However, LWVC does include a number of points for consideration. Some of its comments provide useful advice. However, the government has only adopted some of them given the need to reduce the regulatory burden on associations, foundations and points of sale. The government has sought to establish a balance in doing so. The proposals in question include proposals by LWVC to impose further specific requirements on associations and foundations, requiring supervisors and technicians to have a command of the Dutch language, dealing with refusers and unusual incidents, etcetera, including a specific time in exemption applications, imposing further requirements on the site plan and requiring points of sale to keep specific records. The government will address the other comments made by LWVC in this section in more detail per theme.

The fireworks manifesto is also positive about the proposed specifics of the possibility to grant exemptions, as proposed in the online consultation. In the opinion of the fireworks manifesto, this will make it possible to achieve a safe New Year's Eve 2.0 with consumer fireworks without any fireworks casualties, as also envisaged by the initiators. However, the fireworks manifesto does still advocate the exclusion of environmental assessments, clear national frameworks with just minimal additional local requirements and an explicit incentive for municipalities to organise local alternatives within the residential centre. The Dutch Society for the Protection of Animals (Dierenbescherming) also welcomes the

draft proposal and supports the ban on consumer fireworks. However, to reduce noise, it does call for restraint to be exercised when granting local exemptions.

Some of the responses say that the specifics are too restrictive. The fear is that it will be difficult to apply for exemptions and meet the conditions set. LVKK also says that the requirements are too strict and that the threshold is too high. BPN, Vuurwerkcheck, the association of fireworks lovers (vereniging van Vuurwerkliefhebbers (HVVV)) and the national pyrotechnics training centre (Stichting Nationaal Opleidingscentrum Pyrotechniek (SNOP)) also feel that the scenario in question is too strict or unclear. In their view, this scenario also hinders appropriate implementation of the aim of the amendment and the practice of community initiatives. They endorse the safeguarding of safety, the reduction of nuisance and the preservation of tradition but do not feel that the specifics are feasible or proportionate. They propose changes to multiple points. As regards the above, the government emphasises that fireworks are dangerous products and cause damage, injury¹⁹ and sometimes even fatalities every year. Therefore, it is considered essential for a number of conditions be imposed and requirements to be attached to exemptions to ensure the safety of both technicians and bystanders (volunteers and the public). Wherever possible, alignment has been sought with the current rules for professional technicians when they use the same type of fireworks as permitted under an exemption (designated consumer fireworks in category F2) in their displays. However, these responses have resulted in efforts to ensure that certain aspects, such as establishing minimum safety distances, are part of a local assessment. This will prevent the overuse of requirements. The registered-office location requirement has also been removed so that associations and foundations do not need to change their registrations with the Chamber of Commerce if they wish to set off fireworks in a municipality close by, for example.

The Dutch association for event fireworks (Vereniging Evenementenvuurwerk Nederland (VEN)), a trade association for professional fireworks technicians, says that the Netherlands has a highly-regulated system for fireworks. It states that this system has actually already significantly limited the scope for association displays with large quantities of F2 fireworks. If the intention was to allow such displays to take place under more flexible conditions than professional fireworks displays, this should have led to fundamental changes in the system, VEN says. VEN says that this has not happened because it is at odds with risk management policy. VEN also states that there is actually no substantive difference between 200 kilograms of F2 fireworks and a crowd of people and a significant proportion of professional displays. According to VEN, the risks are the same, so the distances and conditions should be the same too. In this context, VEN points to compulsory liability insurance for professional users, amongst other things. The government agrees with VEN that, when setting off fireworks under an exemption, the safety of those setting off the fireworks and bystanders must be safeguarded. For this reason, a number of conditions and requirements have been included in the Safe New Year's Eve Decree, which, where deemed appropriate, reflect the rules applicable to professional users when setting off F2 fireworks.

¹⁹ There were a total of 1.162 fireworks-related injuries on New Year's Eve in 2024-2025 .

Liability

Various responses relate to liability insurance. Amongst others, SBV-NL²⁰ and BPN propose the creation of collective insurance solutions or, like HVLV, ask for this possibility be investigated. According to LWVC, it is better to arrange liability (insurance) in advance and not in retrospect. VEN points out that professional users are required to have liability insurance, even if they are only setting off consumer fireworks. In response to the administrative consultation, VNG says that it sees a potential risk for mayors if the decision to require liability insurance is left to them. According to VNG, greater clarity is needed about liability in the event of exemptions as referred to in the Fireworks Decree. In response, the government states that liability insurance will not be mandatory under the Safe New Year's Eve Decree. However, mayors may choose to make it mandatory. Based on a sound, national, uniform safety package, insurers can assess the risks and the insurability of the setting off of fireworks by exemption holders. This will usually take place on an ad hoc basis. It is up to the insurers themselves to decide whether they want to offer collective insurance options, for example.

In its response to the online consultation, the Dutch Association of Insurers (Verbond van Verzekeraars) proposes an addition to the text on liability insurance in Section 2.11. According to the Dutch Association of Insurers, it is important for associations and foundations that are applying for exemptions to check whether their own (existing) liability insurance provides effective cover for the set-off of professional fireworks, whether itself or by another party. It would also be wise for associations and foundations to check whether and which specific (additional) conditions insurers would impose in this regard. The Dutch Association of Insurers states that an adviser could help with this. The association believes that temporary event insurance with liability cover could be an alternative if a legal entity does not (yet) have third-party liability insurance that would provide the cover required. The government has supplemented the explanatory memorandum on this point further to this comment.

Feasibility and enforceability

A number of responses relate to the enforceability of the national fireworks ban for consumers in general and more specifically to the specifics of the power to grant exemptions. These responses often say that troublemakers need to be tackled.

In response to the administrative consultation, VNG states that it is in favour of the objective of the Safe New Year's Eve Act. It is very important to municipalities that New Year's Eve becomes safer and that there are fewer incidents, casualties and material damage at this time. Therefore, VNG appreciates the attention to safety in the Decree and its consideration of the widely-supported desire to lay down as many requirements as possible at a national level. However, the municipalities also observe that concerns still exist regarding the enforceability and practicability of the Decree, specifically the possibility to grant exemptions. These points are consistent with the findings of VNG in its implementation assessment, as discussed in Section 8.2. According to VNG, the introduction of the possibility to grant exemptions to associations and foundations means that municipalities will be required to formulate explicit policies on whether and under which conditions, exemptions for setting off F2 fireworks on New Year's Eve will be granted. According to VNG, this assessment must be carried out carefully and as part of a multidisciplinary approach. VNG states that municipalities must establish which policy line will be followed, which criteria will be applied in decision-making and which additional requirements might be necessary to ensure the safe, feasible and enforceable application of the exemption scheme. Each municipality in the Netherlands, 342 in total, must arrive at this policy assessment independently. According to VNG, this means that hundreds of separate assessment processes will take place at a national level, potentially resulting in different outcomes and policies. According to VNG, the question arises as to whether this decentralised approach is consistent with the objective of a national fireworks ban. VNG also states that various requirements apply to associations and foundations that submit applications, such as the formulation of a safety plan. In

²⁰ In anticipation of the entry into force of this Decree, a foundation (SBV-NL) has been set up to act as a communications and knowledge hub for municipalities, inspectors and applicants for community fireworks displays.

practice, these associations may have been newly-established or not usually organise events with fireworks. At the same time, VNG states that a certain level of professionalism is expected in order to safeguard safety; for example, an effective safety plan. VNG expects that this could cause friction in both implementation and enforcement. According to VNG, this places significant pressure on both mayors – who have to assess the suitability of locations – and the official organisation responsible for reviewing and assessing safety plans.

The government says that the intention of this Decree is to lay down as many conditions and requirements as possible at a national level, to ensure as much uniformity as possible. However, it has also been considered important for exemptions to be assessed at a local level. Where appropriate, the formulation of guidelines could contribute to uniform implementation by municipalities. In this context, LWVC also calls for the use of standard application forms, security plans and suchlike wherever possible.

VNG and NGB state that it is insufficiently clear which parties will be responsible for enforcement in practice, as municipalities have said that they will not be able to carry out surveillance during the night-time hours on New Year's Eve due to the risks posed for municipal enforcement officers (special investigating officers). G4²¹ mentions one serious problem, being that the conditions and requirements in question make supervision and operational enforcement very complex and labour-intensive. To ensure that all conditions and requirements are met, this requires the physical deployment of a municipal inspector or enforcement officer at each exemption location. According to G4, this is not feasible in practice. G4 also says that the decision to make mayors primarily responsible for the supervision of compliance with and the enforcement of the conditions and requirements attached to the exemption is understandable. This gives municipalities the scope, at a local level, to decide whether and for which location exemptions might be granted. The supervision and enforcement of compliance is a matter of great concern to G4 because responsibility for monitoring compliance is placed primarily at a local level, putting pressure on enforcement capacity, which is already scarce. Given the limited capacity and resources available to municipalities, the current specifics of the Decree are unenforceable for them.

These points are consistent with the results of the HUF and implementation assessments. The issue of enforcement and, more specifically, the deployability of special investigating officers, is discussed in more detail in Section 8.2 of this explanatory memorandum and in the Enforcement Plan drawn up by the Ministry of Justice and Security.

NGB states that one of the reasons for introducing the Safe New Year's Eve Act and the Decree is to reduce incidents and aggression towards emergency workers. However, mayors are concerned that the Decree does not demonstrably improve the safety of emergency workers. According to NGB, special investigating officers and the police will actually have to intervene more frequently at high-risk moments and locations: at set-off locations, during checks, in the event of cancellations due to weather conditions, or if disagreements arise between those present. According to NGB, the Decree seems to contribute insufficiently to the intended improvement in the safety of emergency workers.

The government responds as follows. The Safe New Year's Eve Act introduces a nationwide ban on fireworks for consumers. Mayors may grant exemptions to associations and foundations. The present Decree elaborates on the conditions and requirements to be attached to exemptions. These conditions and requirements pertain to the safety of technicians and bystanders, amongst others. The new regulations make it clear in advance whether and at which location F2 fireworks may be set off in an exception to the ban. As a result, the number of locations where fireworks may be set off is more limited than has been the case without a national ban on fireworks for consumers. Enforceability is discussed in more detail in the Enforcement Plan.

The role of mayors and municipalities

Some responses specifically address the role of mayors. NGB states that the Decree introduces a new, exclusive power for mayors to grant exemptions for the setting off of F2 fireworks. NGB says that this raises questions from the perspective of the framework for new mayoral powers (Kader voor nieuwe burgemeestersbevoegdheden). VNG also

²¹ G4 consists of the four major cities: The Hague, Utrecht, Rotterdam and Amsterdam.

refers to this framework in its response to the administrative consultation. The framework stipulates that a new power should only be conferred on mayors if the issue in question is primarily a public order one, the power is consistent with the existing duties of mayors, its implementation does not require specialist technical knowledge that is available elsewhere in the system and the task is feasible and enforceable within the municipal organisation. Applied to this Decree, NGB does not believe it is evident that this framework has been observed.

In response, the government states that the power of mayors are not based on the Safe New Year's Eve Decree but on the Safe New Year's Eve Act. The present Safe New Year's Eve Decree elaborates on these powers and cannot make any amendments to the allocation of the power to grant exemptions.

NGB says that municipalities lack the capacity and specialist knowledge necessary to carefully assess large numbers of applications.

In response, the government states that, if desired, mayors can seek advice when determining policy and assessing exemption applications. For example, from provinces, environmental services, the fire brigade or within the tripartite consultation. In this way, mayors can avail themselves of the expertise necessary to decide whether or not to grant exemptions and, where appropriate, withdraw them.

A number of responses express the fears of citizens, businesses, companies and industry associations that some mayors will not grant exemptions, which could lead to a patchwork of regulations. Furthermore, according to G4 municipalities, the Safe New Year's Eve Decree now provides considerable scope for municipalities to develop their own policies on how to exercise this power. This policy freedom could lead to significant differences between municipalities, thereby encouraging arbitrariness and not contributing to the desire to be a reliable government with predictable and explainable policies. According to NGB, one municipality may decide not to grant any exemptions at all, while another may decide to grant dozens of exemptions. NGB believes that this could lead to a sense of injustice among residents and also to a large quantity of fireworks still being in circulation, which would not help make New Year's Eve safe. The government responds that the Safe New Year's Eve Act enables mayors to grant exemptions, but they are not obliged to do so. Mayors themselves can formulate policy to this end, whether or not in a policy rule. Differences in policy between municipalities do not in themselves constitute legal inequality or arbitrariness. In fact, the power that mayors have been given to grant exemptions is specifically intended to allow for differences in policy between municipalities depending on local circumstances. In consultation with the tripartite consultation, mayors may decide not to grant any exemptions, or to grant just a certain number of exemptions, in their particular municipalities. This is expressly a power of the individual mayor. The Safe New Year's Eve Decree cannot change this.

According to NGB, municipalities have very little of the expertise necessary to arrive at an informed opinion based on a security plan, insurance information or organisational professionalism. NGB calls for clear national criteria, as is the case in the fireworks manifesto, amongst other things, and a number of private individuals. VNG and G4 also advocate the inclusion of as many objective criteria as possible in the Safe New Year's Eve Decree, on the basis of which a local assessment is made of whether exemptions can be granted.

In response, the government states that it endorses the importance of this. For this reason, the present Decree includes a number of conditions and requirements that provide mayors with mandatory guidelines and frameworks aimed at safeguarding safety. This ensures that national criteria are in place. Where necessary and desirable, guidelines will be developed, led by VNG. Should they wish to do so, mayors may also seek advice from the tripartite consultation, the fire brigade, provinces or environmental services.

LWVC states that it is wrong that mayors could be held liable in some cases. For example, in the event of negligence. LWVC believes that mayors cannot be held liable, just the exemption holders in question.

In the opinion of the government, such cases will be exceptional but have not been ruled out in advance. In such cases, the mayors will not be held liable but rather the municipalities that have assets from which the damage can be recovered. The explanatory memorandum has been amended accordingly.

Following a comment from LWVC, Section 6.2 clarifies that the provincial authorities are the competent authority for professional fireworks displays and that this power has been delegated to environmental services in many cases.

Alcohol consumption

A number of responses say that alcohol consumption when setting off fireworks can lead to dangerous situations and often causes problems.

In response, the government states that, under an exemption, technicians and supervisors are not permitted to be under the influence of alcohol.

The government has clarified this requirement following a number of responses to the online consultation and the ILT HUF assessment.

The provision states that the supervisor and technicians must not be under the influence of alcohol or other narcotics or stimulants as referred to in Section 8 of the Road Traffic Act 1994, read in conjunction with Article 3 of the Alcohol, Drugs and Medicines (Road Traffic) Decree.

Age

In the results of the administrative consultation received during the online consultation, the police say that the age limit should be changed to 18. According to the police, technicians at fireworks displays that could be attended by dozens or hundreds of people, some of whom may be under the influence of alcohol and in a festive mood, bear a great deal of responsibility. According to the police, this cannot be compared to - or, thus, be linked to - the minimum age for setting off consumer fireworks in a domestic setting, as is currently the case. G4 also calls for an increase in the age limit for technicians and supervisors (to 21) and the inclusion of more concrete uniform requirements for individuals who are responsible for setting off fireworks.

In response, the government states that an age limit of 16 for setting off F2 fireworks has been applied in the Fireworks Decree to date. This is also consistent with the minimum age limit set out in the Pyrotechnics Directive. Therefore, the government sees no reason to raise the age for technicians. However, the government does agree with the police that a certain responsibility rests on persons who organise fireworks under an exemption. Therefore, the minimum age of the supervisor has been set at 18 years.

In one of the responses submitted, a citizen asks for low-threshold access and participation for all ages, including children. In response, the government stresses that children under the age of 16 are not permitted to set off F2 fireworks. Novelty fireworks (F1 fireworks) may be set off throughout the year. However, individuals are only permitted to set off novelty fireworks from the age of 12.

Transport and storage

A number of responses relate to the safety of transport. NGB fears that associations may have to travel greater distances to obtain fireworks because of the reduction in the number of points of sale. It calls for national guidelines or an alternative whereby transport and storage are handled by professionals.

The government responds as follows. As specified in Section 2.7, the transport of certain quantities of dangerous goods is exempt from a number of obligations under the ADR, such as a maximum quantity of 200 kilograms of fireworks. Transport will not be exempt from all the obligations applicable under the ADR. As explained in Section 2.7, exemption holders must comply with all these requirements when collecting fireworks from the point of sale. Therefore, it may be desirable for a point of sale to deliver the fireworks or to engage a carrier for this purpose. Therefore, this possibility already exists.

BPN argues that compliance with the ADR requirements by neighbourhood associations is unattainable and involves disproportionate administrative and financial burdens. It proposes that transport be carried out collectively by certified carriers or a point of sale. The government appreciates these suggestions but will leave it to the market to develop this further. However, the explanatory memorandum does state that this transport may also be carried out by importers, for example.

LWVC also asks whether sufficient measures are in place to ensure that the fireworks purchased are transported directly to the set-off location, without intermediate storage. According to the government, sufficient safeguards are in place in this respect, as the fireworks may only be made available to exemption holders on 31 December and the fireworks must be safely deposited at the set-off location. The explanatory memorandum has been supplemented in this respect following this comment.

Safety distances

The draft Decree included a 'PM' for the safety distances applicable. LWVC, VEN, VNG and NGB call for compliance with existing safety distances, such as those applicable to professional technicians when they set off F2 fireworks at professional fireworks displays. VEN says that it would be indefensible if different safety distances were to apply to exemption holders. VuurwerkCheck and BPN advocate the nationwide establishment of minimum safety distances, as does G4. As regards the set-off area, the Lung Foundation Netherlands would like to see fireworks-free zones included in the plan so that it is not permitted, anywhere in the Netherlands, to set off fireworks within a radius of 100 metres of locations where vulnerable people are living or staying, such as retirement homes and nursing homes. For the sake of legal certainty and clarity, BPN states that, it will, in principle, apply the safety distances specified in the Commercial Fireworks Display Order at the very least, whereby, according to BPN, these distances may be reduced by half if measures have been taken to protect the public in the event of unusual incidents. Trade associations representing retailers and fireworks enthusiasts are calling for distances to be specified without mentioning a specific distance. In previous discussions, they proposed maintaining a distance of 8 metres, in line with the current distance requirements for private individuals setting off F2 fireworks.

Despite the various responses, the government has decided not to establish mandatory safety distances at a national level. It is up to mayors to decide whether a location is suitable for setting off fireworks in public and which minimum safety distances apply there. This prevents the overuse of requirements and the exclusion of locations in advance.

Other safety requirements

LWVC says that no definition is provided of the term 'highly-vulnerable buildings and locations'. It suggests including a definition or reference (Annex VI of the Environmental Quality Decree) for this purpose.

The government has opted for a broad definition of vulnerable buildings or locations. On the one hand, for example, the vulnerability of the people located in a specific building (for example, a hospital) and the definition used for this purpose in the context of the Environmental Quality Decree. On the other hand, buildings that are vulnerable because they contain flammable components (for example, a thatched roof). The explanatory memorandum has been clarified in this respect further to this comment.

LWVC says that it would be useful to include a minimum number, type and capacity of hand-held fire extinguishers. It would also like steps to be taken to ensure the use of approved fire extinguishers.

In response to this comment and in consultation with the fire brigade, the government has inserted Article 2.3.2a(1)(g).

LWVC states that setting off fireworks from a roof or from water is not permitted under exemptions. After all, setting off fireworks from a roof would also involve carrying 200 kilograms of fireworks up to the roof by lift or via a stairwell. According to LWVC, neither option makes it any safer for the public or for those acting on behalf of exemption holders.

In response, the government states that it is up to mayors to decide whether or not to allow fireworks to be set off from a roof or water. The government agrees with LWVC that, in the interests of safety, it is reasonable not to allow this in principle. The explanatory memorandum has been supplemented accordingly.

LWVC points out to the government that the explanatory memorandum incorrectly implied that it is permitted to set off fireworks in an indoor space. The government has removed the passage in question further to this comment. LWVC also states that both the set-off site and the safety zone should be cleared and left in a clean condition. After all, a great deal of fireworks waste ends up outside the set-off site but within the safety zone. The article in question has been updated in line with this comment.

In its response, LWVC asks which steps will be taken to ensure that the environment (animals, airfields, buildings and (water) roads) are taken into consideration when assessing sites.

The government states that it is up to mayors to assess the suitability of locations. When doing so, they will consider the characteristics and sensitivities of the environment.

Maximum number of exemptions

A number of responses say that it would be desirable for a number of set-off areas to be designated within a municipality or for there to be multiple set-off times per set-off location. This would prevent excessive congestion and promote a sense of togetherness in residential areas or streets. G4 says that differences between municipalities could be limited by including a maximum number of exemptions in the present Decree. For example in proportion to the number of inhabitants.

In response, the government states that the power to grant exemptions lies with mayors. Mayors can establish policy for this purpose. For example, a policy that includes a maximum number of exemptions or that designates locations for which exemptions can be applied. Mayors could also consider - for example, in consultation with the tripartite consultation - the prevention of large crowds in certain places or the promotion of togetherness in their municipalities. However, the inclusion of a minimum distance requirement between the different locations and distances from the set-off to the public/bystanders is advised.

Permitted fireworks

A number of responses, including the response from HVLV, advocate an increase in the quantity of fireworks permitted. G4 calls for a reduction in the maximum quantity of fireworks.

The government has opted for a maximum quantity of 200 kilograms of fireworks per exemption holder. This is consistent with existing restrictions in the fireworks regulations. This maximum quantity also falls within the exemptions in force in the context of the transport of dangerous substances. This is clarified in Section 2.1 of the explanatory memorandum.

Expertise

The submitters of a number of responses say that it is important to introduce a course on how to set off fireworks safely. BPN and SNOP propose introducing compulsory e-learning and examination for technicians and supervisors via accredited institutions, in line with existing certification practices for fireworks experts, thereby ensuring a uniform and high level of training. Besides theoretical knowledge, the e-learning course must also include practical risk-assessment skills, incident management, communication with the emergency services and compliance with the safety plan. LWVC also has questions about the way in which knowledge is safeguarded and says that an assessment should be completed, or that proof or a certification of participation should be submitted.

In response, the government underlines the importance of technicians and supervisors knowing how to set off fireworks safely. Central government is developing an e-learning or information package to this end. This will focus on how to set off fireworks safely. A number of responses, including the response from SBV-NL, suggest that the safe presence and transport of fireworks should be included as well. The relevant article and the explanatory memorandum have been supplemented in response to the above.

SBV-NL says that the proposed e-learning course lacks sufficient depth compared to the existing rules for fireworks experts set out in the Working Conditions Regulations (Arbeidsomstandighedenregeling). SBV-NL proposes entering into discussions with the existing accredited examination institutions about how e-learning for technicians and supervisors could be implemented in a proportionate manner.

In response to this, the government says that it is desirable to ensure that e-learning is manageable for the technicians and supervisors that exemption holders appoint. For example, it would not be proportionate for them to have to comply with the certification requirements applicable to professional technicians because these certificates relate to large fireworks displays (professional fireworks) and pyrotechnic special effects (theatrical pyrotechnic articles). Just designated F2 fireworks may be set off under the exemptions in this context.

Requirements for exemption holders

SBV-NL feels that the requirement for registration with the Chamber of Commerce, municipal registration and the registered address are too restrictive and proposes dropping the requirement for associations and foundations to be registered in the municipality where a fireworks display will be held. BPN and SNOP propose the same but subject to the condition that technicians and supervisors have a demonstrable connection with the municipality where the fireworks will be set off. SBV-NL also says that it should be possible for other legal forms to be allowed to organise fireworks displays.

Due in part to the response above, the government has decided to cancel the business registration requirement. The government also points out that registration with the Chamber of Commerce is required as indicated in Section 2.2.1 of the explanatory memorandum. This condition ensures that exemption holders are identifiable legal entities that can be held liable for any damage or injury caused in the context of the exemptions granted.

NGB says that the Decree does not provide sufficient guidance on the determination of which associations and foundations are eligible for exemptions. Although the Decree specifies that any association or foundation registered with the Chamber of Commerce may apply for exemptions, theoretically any group of friends could set up a foundation and be eligible for an exemption. LWVC says that many associations and foundations are registered with the Chamber of Commerce and that it is also plausible that special associations are being set up specifically to set off fireworks. According to LWVC, the threshold to apply for an exemption is too low. LWVC feels that it would be better to impose more specific requirements on the associations or foundations that are permitted to set off fireworks.

The government responds as follows. As explained in Section 2.2.1 of the explanatory memorandum, no requirements are imposed on the type of association or foundation. Therefore, these bodies could include neighbourhood or community associations, sports clubs, or a fireworks association that has been formed in order to obtain an exemption to set off fireworks. To keep the threshold low for any association or foundation wishing to apply for an exemption, the government has chosen not to impose any specific further requirements on associations or foundations.

LWVC says that it will be very difficult for one or two supervisors to monitor eight technicians.

The government has opted for this number so that a maximum of one or two persons are responsible for municipalities and emergency services and serve as a contact person or persons.

LWVC also suggests including a telephone number in the exemption application so that the competent authority and emergency services can contact the exemption holder. This suggestion has been adopted.

LWVC says that the term 'exemption holder' is used in some parts of the present Decree where it believes the term 'supervisor' should be used instead.

In response, the government states that the term 'exemption holder' is deliberately used in some places to make it clear that responsibility for the points in question lies with the

exemption holder. It is up to the individual exemption holder to determine who actually fulfils the responsibility in question.

Event permit

A number of responses, including the response from BPN, relate to the event permit. It is proposed that the exemption and event-permit applications be linked. Vuurwerkcheck advocates a simplified and proportionate permit procedure.

In response, the government states that the need for an event permit depends on the rules that the municipality has laid down in its general municipal bylaw in this respect. A municipality may choose to combine or link applications. However, this is up to the municipality and is not mandatory under the Fireworks Decree. This point is also dealt with in Section 2.10.

Sale, provision and return

One response points out that the date on which fireworks can be made available to exemption holders, namely 31 December, could also fall on a Sunday. In response, the government states that the Safe New Year's Eve Act will not include any exceptions for sales days that fall on a Sunday.

A number of responses show that questions exist about where exemption holders can purchase fireworks.

In response, the government states that it will continue to be permitted to sell consumer fireworks to exemption holders in the Netherlands. The expectation is that the number of points of sale will decrease as a result of the nationwide ban on fireworks for consumers. The number of points of sale, whether they be importers or retailers, and their locations will be left for the market to decide. The Fireworks Decree does not contain any rules in this respect.

Vuurwerkcheck says that, from a practical point of view, it is necessary to place orders well before the sale days because the set-off list has to be submitted with the notification. It proposes that orders placed before an exemption has been granted and included in the set-off list should be considered valid purchase obligations as soon as the exemption is granted.

As with the national fireworks ban, the government deems it possible to place orders well in advance of the sales days. However, the actual provision of fireworks will only be possible on 31 December and upon presentation of an exemption.

The submitters of a number of responses say that mandatory return on 1 January is disproportionate and unsafe. In the responses, including the response from BPN, it is proposed that the obligation be scrapped or the deadline extended.

The government states that, in the interests of safety, it is important that any unused fireworks are safely returned to the point of sale from which the fireworks were purchased. To ensure that fireworks remain in the possession of exemption holders for as short a time as possible, the return deadline has been set at 12 noon on 1 January. If this period is too long, the period during which the fireworks are under the responsibility and supervision of the exemption holder becomes too long too. This cannot be expected from associations and foundations and could also lead to unsafe situations. In response to these comments, it has been decided to make the return period more practicable by extending it to 6 p.m. on 1 January.

In the context of the return obligation, the consultation also revealed that it is not possible for points of sale to accept the return of opened boxes of fireworks. LWVC also asks about the approach to be adopted to unpackaged leftover fireworks.

On this point, the government says that, with the amendment to the Consumer Fireworks Designation Regulations²², just fireworks with transport category 1.4G and 1.4S have been designated as consumer fireworks. This means that the fireworks that associations and foundations are permitted to set off under an exemption will always have ADR category 1.4. Category 1.4G (UN 0336) and 1.4S (UN 0337) fireworks may be packed and transported in the same box. The packaging in question must be UN-approved packaging

²² Government Gazette 2025, 33808 and Government Gazette 2025, 38778.

(box). Fireworks must also be returned in UN-approved packaging or a pyro-pack (for fireworks that have not become wet). This can be done by repackaging the fireworks in UN-approved packaging and transporting them in accordance with the same requirements applicable to transport from the points of sale to the set-off locations. Boxes can be sealed with tape. The explanatory memorandum has been supplemented further to this comment.

The environment, animals and health

Zero Waste Nederland requests that the requirements be supplemented with a cleaning plan, the use of product-compliant, biodegradable and recyclable fireworks and that the return and collection obligation be extended to include the option to submit fireworks waste.

In response, the government states that Article 2.3.2a stipulates that exemptions must be subject to the requirement for the location to be cleared and left in a clean condition immediately after the fireworks have been set off. Exemption holders are responsible for ensuring this is done. Currently, fireworks marketed in the EU must comply with conformity requirements. It is important that fireworks do not contain any unnecessary plastic. Many of the consumer fireworks in the Netherlands are already plastic-free. However, the government will continue to monitor developments regarding the reduction of environmental damage due to plastic from fireworks at a European level and within the pyrotechnics standards committee (Normencommissie Pyrotechnische artikelen (NEN)). However, the switch to a plastic-free alternative must not compromise the safety of fireworks for consumers.

The Dutch Society for the Protection of Animals points out that a broad exemption policy will result in the continued production of harmful air, water and soil pollution from fireworks.

The government says that mayors can take this into consideration in local policy or when deciding whether or not to grant exemptions at a particular location.

The Dutch Society for the Protection of Animals states that an appropriate distance must be maintained between the place where fireworks are to be set off and the place where animals are being kept for commercial purposes. The Dutch Society for the Protection of Animals also states that nearby nature reserves should be taken into account when designating set-off locations. The government says that mayors can take this into consideration when deciding on exemption applications. The explanatory memorandum has been supplemented further to this response.

Various responses, such as the response from the national fireworks manifesto, advocate the exclusion of environmental assessments.

In response, the government says that the present amending Decree does not establish any rules on whether or not an environmental assessment is mandatory in the context of an exemption application. There is no EIA requirement because the setting off of fireworks is not a project within the meaning of the EIA Directive. The setting off of fireworks is not an environmentally-harmful activity (for which a permit is required).

The Lung Foundation Netherlands says that, although the focus is quite rightly on safety when granting exemptions, the health perspective should not be overlooked either. Therefore, the Lung Foundation Netherlands proposes that each application includes a mandatory and sound health plan, stating how the applicant will protect the health of citizens and how local residents will be informed of upcoming fireworks events in advance. The Lung Foundation Netherlands requests an addition in respect of the withdrawal of an exemption if a code red or code orange applies in the area according to the RIVM Stookwijzer.

In response, the government states that it is up to mayors to decide whether to take the aforementioned health effects into consideration when granting or refusing exemptions. They may also decide to include a maximum number of exemptions in local policy in their particular municipalities, or not to permit exemptions in certain locations.

Other

The submitters of a number of responses say that the Safe New Year's Eve Decree does not impose any requirements on the maximum number of visitors (public) at an exemption location.

In response, the government states that it is correct that the Decree does not specify any further conditions or requirements in this regard. It is true that, in many municipalities, an event permit is required for events with a certain number of visitors. Requirements may be attached to this to regulate visitor numbers.

The submitters of a number of responses point to the costs involved when organising a fireworks event in the context of an exemption.

The government responds that the present Decree does not contain any provisions in this regard. Depending on the situation, funding might be possible from local community funds or (local) sponsors, in some cases.

One response specifically addresses Article 2.3.2(a)(3)(h). To summarise, it states that no further fireworks may be set off if fireworks are set off near the safety zone. The response says that this would be unfair to the exemption holder, which has put effort into the preparations and that enforcement is the responsibility of the municipality and the police.

The government confirms that it is correct that municipalities are responsible for supervising and enforcing the conditions and requirements for exemptions. However, exemption holders do have certain responsibilities too. Article 2.3.2a(3)(h) ensures that, if a situation arises in which public order and safety are at risk – in this case, when fireworks are set off by individuals who are not authorised to do so – the exemption holder must stop setting off fireworks. When the situation is under control, the exemption holder may – depending on the situation – decide to resume setting off fireworks once the situation has been resolved, provided this is within the scope of the exemption granted.

VuurwerkCheck and LWVC also enquire about the deadline for the submission and processing of applications.

In response, the government states that the present Decree does not set any further requirements in this respect. This is left to mayors to decide within the framework of the General Administrative Law Act.

Amongst others, LWVC asks what happens if multiple exemption applications are submitted for the same location, with different time frames for the setting off of fireworks. They ask whether, for example, an exemption holder could submit multiple applications for 200 kilograms of fireworks, which are then ignited a number of times in succession.

In response, the government states that it is up to mayors to decide on this matter. It may seem obvious for mayors not to permit this on the basis of Article 2.3.2 (c) of the present Decree. This article stipulates that the set-off site to which an application relates must be suitable for the safe set-off and prior storage of fireworks, in the opinion of the mayor. If multiple exemption applications are requested for the same location (by the same or different applicants), it stands to reason that it will no longer be possible for an association or foundation to ensure the safe storage (temporary presence) of fireworks at the set-off location. This is because it would then be possible to store multiples of 200 kilograms at the same location. This is not advisable.

LWVC asks which requirements a set-off list is to meet and whether a purchase receipt is sufficient.

The government responds as follows. The conditions stipulate that an exemption application must be accompanied by an overview of the fireworks to be set off. To ensure the low-threshold nature of the application process, it has been decided not to impose any further specific requirements. A purchase receipt may suffice, provided it clearly states which fireworks were purchased.

LWVC also asks what happens if an exemption is not granted but fireworks have already been purchased.

In response, the government states that Article 2.3.3 of the present Decree stipulates that it is mandatory for a seller to check the exemption in question before making the goods available.

LWVC points out that the violation of exemption conditions or requirements may constitute a criminal offence.

The government confirms that the violation of exemption conditions and requirements is punishable under the Economic Offences Act. The Public Prosecution Service is responsible for deciding whether prosecution is appropriate in individual cases and also which penalty is reasonable within the statutory maximum penalties.

LWVC says that the phrase 'in the opinion of mayors' has been included unnecessarily in Article 2.3.2(b) and (c) because mayors already assess whether or not to grant exemptions.

The government agrees with LWVC that this phrase is not strictly necessary. However, the addition of this phrase does emphasise that mayors are responsible for this assessment. Mayors may also choose to lay down further rules in this regard.

LWVC says that the requirement for fireworks to be set up stably and on the ground, perpendicular to the ground surface, ought to be supplemented by the requirement for steps to be taken to ensure that fireworks are not able to fall over.

The government is of the opinion that this is already included in the wording used. The explanatory memorandum has been clarified further to this comment.

LWVC also has questions about what happens when weather conditions make it difficult or impossible to set off fireworks. It recommends specifying when fireworks may not be set off.

The government says that this has already been included in the explanatory memorandum.

LWVC asks whether the first and second paragraphs of Article 2.3.2b could be combined because they are similar.

The government says that this is not possible because the first paragraph relates to a situation where a mayor must immediately withdraw all or part of an exemption, while the second paragraph relates to a situation where the mayor is able to do this.

LWVC also points out to the government that the explanatory memorandum states that activities near fireworks that could lead to static electricity, fire, a fire hazard or accidental set-off are prohibited, but that this is not reflected in the article. Further to this comment, the government has also included this requirement in the article.

Finally, following the response from LWVC, a number of amendments have been made to ensure the consistent use of terminology (such as the designation of fireworks categories and terms like 'technician' and 'fireworks lighter').

8.4 Contribution of the Upper House and Lower House

PM

9. Communication

It is important that the target group (citizens, associations and foundations) and the relevant stakeholders (municipalities, enforcement agencies and industry) are aware of the amended regulations in good time and are able to prepare for them. The government will provide information about the possibility of obtaining exemptions, which it will do at various times and via various channels. As mayors will have the power to grant exemptions, much information provision will also take place via municipalities. The Enforcement Plan elaborates on communication in respect of the Safe New Year's Eve Act and the possibility to obtain exemptions.

10. Evaluation

Although no evaluation provision is included in the Safe New Year's Eve Act, it is considered prudent to evaluate the Safe New Year's Eve Act and the implementation of 41

the possibility to obtain exemptions in the Fireworks Decree in conjunction with each other. The possibility to obtain exemptions will be evaluated after three years.

11. Entry into force

The amending Decree will enter into force by Royal Decree.

Explanatory notes for individual articles

Article I

A

The definition of the new, central concept of 'exemption holder' has been inserted in Article 1.1.1(1). The reference to Articles 2.3.2 and 2.3.3 has been deleted in the second paragraph, as the term 'private individual' no longer appears in the new wording of these articles. Finally, a fifth paragraph has been added to define the terms 'set-off area', 'set-off site', 'technician', 'supervisor', 'safety distance' and 'safety zone' for the purposes of the new Articles 2.3.2, 2.3.2a, 2.3.3 and 2.3.4. As far as possible, alignment has been sought with the definitions in the Commercial Fireworks Display Order.

B

Article 1.2.4, on the possession of fireworks, has been amended to allow an exemption holder to have up to 200 kilograms of designated F2 fireworks in its possession on New Year's Eve.

C

Article 1.2.5, on the transport of fireworks, has been amended to allow the transport of fireworks for or by exemption holders.

D

Article 2.1.3 has been amended to correct a linguistic inaccuracy.

E

The new Articles 2.3.2 and 2.3.2 a, based on Section 9.2.2.1a(5) of the Environmental Management Act, set out rules and conditions under which mayors may grant exemptions and the requirements attached to these exemptions. These rules on conditions and requirements are explained in more detail in Section 2.2 (conditions) and Section 2.3 (requirements) in the general part of the explanatory memorandum.

The new Article 2.3.2b contains a number of mandatory and optional grounds for withdrawal, which are explained in more detail in the general part of the explanatory memorandum. Partial withdrawal may be appropriate in situations where weather conditions make it irresponsible to set off fireworks, but the fireworks cannot be returned on time. However, the possession of fireworks will still be covered by the exemptions in question in these situations.

The new Article 2.3.3, which is based in part on Section 9.2.2.1a(7) of the Environmental Management Act, lays down rules on the sale and provision to exemption holders of F2 fireworks designated by or pursuant to an order in council. These sales and provision-related rules are explained in more detail in the general section of the explanatory memorandum.

F

Article 2.3.4 concerns the place at which consumer fireworks are made available. Consumer fireworks must be made available to exemption holders in a space designated for sale to private individuals, unless these fireworks are delivered to the set-off site by or on behalf of the seller.

G

Article 2.3.6 relates to the personal protective equipment that the seller is to make available free of charge. This equipment will always include at least one pair of fireworks goggles and one fuse cutter for every 25 kilograms of fireworks. As before, instructions must also be given on how to safely set off the fireworks provided.

H

An addition has been made to Article 2.3.7 to the effect that Articles 2.3.3 and 2.3.6 do not apply to novelty fireworks.

Article II

In Article II, the Decree on the Transport of Dangerous Substances has been amended to the effect that private individuals may now only transport 25 kilograms of novelty fireworks.

Article III

An exception has been made to the minimum introduction period, as this prevents significant undesirable private and public detriments, given the way in which the year is structured.

STATE SECRETARY FOR INFRASTRUCTURE AND WATER MANAGEMENT - PUBLIC
TRANSPORT AND THE ENVIRONMENT,

A.A. Aartsen