

DRAFT DATED

Proposed Act of Members Klaver and Ouwehand amending the Environmental Management Act and the Economic Offences Act in connection with the introduction of a ban on fireworks for consumers (Safe New Year Act)

AMENDED BILL

We, Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc.

Greetings to all who shall see or hear the following. Be it known:

Whereas We have considered that it is desirable to amend the Environmental Management Act and the Economic Offences Act in connection with the introduction of a ban on the holding and setting off of fireworks by consumers;

Having heard the Advisory Division of the Council of State and in consultation with the States-General, We hereby agree and decree:

ARTICLE I

The Environmental Management Act [Wet milieubeheer] shall be amended as follows:

A

In Article 1.1(1), the following definitions are inserted in alphabetical order:

EU Pyrotechnic Articles Directive: 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 (OJ L 178).

person with specialised knowledge: person with specialised knowledge as referred to in Article 3(6) of the EU Pyrotechnic Articles Directive;

fireworks of categories F2 and F3: fireworks of categories F2 and F3 as referred to in Article 6(1)(a) of the EU Pyrotechnic Articles Directive;

B

An Article is inserted after Article 4.132 with the following text:

Article 9.2.2.1a

1. The possession and use of category F2 and F3 fireworks shall be prohibited for persons other than persons with specialised knowledge.
2. The sale of category F2 and F3 fireworks to persons other than persons with specialised knowledge is prohibited.
3. Persons with specialised knowledge shall be designated by general administrative order.

4. The mayor may grant exemptions from the prohibitions laid down in paragraph 1 for the purpose of igniting category F2 fireworks designated by or pursuant to a general administrative order during New Year celebrations.

5. Rules shall be laid down by general administrative order on the conditions under which exemption may be granted by the mayor upon application and the rules which may be attached to that exemption.

6. The prohibition laid down in the second paragraph shall not apply on 29, 30 and 31 December if the purchaser is in possession of an exemption as referred to in the fourth paragraph.

7. A general administrative order shall lay down rules on the sale of category F2 fireworks that has been designated by or pursuant to a general administrative order to a buyer holding an exemption as referred to in the fourth paragraph.

C

In Article 21.6(2), the words “9.2.2.1a” is inserted after “9.2.2.1(1)”.

ARTICLE II

In Article 1a(1) of the Economic Offences Act, under the heading ‘Environmental Management Act’, the words ‘9.2.2.1a’ shall be inserted after the words ‘9.2.2.1’.

Article IIa

The Fireworks Decree [Vuurwerkbesluit] is amended as follows:

A

In Article 1.1.1(1), the definitions of ‘EU Pyrotechnic Articles Directive’ and ‘person with specialised knowledge’ shall be deleted.

B

Article 1.2.4 shall be amended as follows:

1. Subparagraphs (a) and (b) of Paragraph 2 shall be deleted.

2. In paragraph 4, the words ‘the fireworks or the’ shall be deleted.

C

Articles 2.3.2, 2.3.3, 2.3.5a and 2.3.6 shall be deleted.

D

In Article 2.3.7, the comma after ‘1.2.4’ is replaced by ‘and’ and the words ‘, 2.3.2, 2.3.3, 2.3.5a and 2.3.6’ shall be deleted.

Article IIb

After the entry into force of this Act, the Fireworks Decree shall also have as a legislative basis Article 9.2.2.1a of the Environmental Management Act.

ARTICLE III

1. This Act shall enter into force at a time to be decided by Royal Decree, which may be different for each of its Articles.
2. The proposal for a Royal Decree as referred to in Paragraph 1 shall not be made earlier than four weeks after the draft has been submitted to both Chambers of the States-General. If one of the chambers of the States-General decides not to approve the draft, no proposal shall be made and a new draft may be submitted to both houses of the States-General not earlier than six weeks after the decision of that chamber of the States-General.

ARTICLE IV

This Act shall be cited as: New Year Celebrations (Safety) Act

It is hereby ordered that this Act shall be published in the Government Gazette and that all ministries, authorities, commissions and officials concerned will ensure its proper implementation.

Issued by

The State Secretary for Infrastructure and Public Works,

The Minister of Justice and Security,

The State Secretary for Infrastructure and Public Works,

The Minister of Justice and Security,