



ACS Submission: Consultation on Implementation of Directive 2013/29/EU

ACS (the Association of Convenience Stores) welcomes the opportunity to respond to the Department for BIS' consultation on the implementation of the 2013 Pyrotechnics Directive and the Traceability Directive. ACS represents 33,500 local shops across the country including Spar, Costcutter Supermarkets, Nisa Retail and thousands of independent retailers.

ACS' Local Shop Report 2014 identifies that 4% of UK convenience retailers have a license to sell firework during the designated time periods. This equates to around 2,200 convenience stores across the UK. Retailers that wish to sell fireworks are already subject to significant regulatory challenges and the proposals set out in the consultation will add further burdens.

ACS provides retailers with bespoke and legal assured guidance on the sale of fireworks as part of our primary authority partnership with Surrey County Council¹. ACS' Selling Fireworks guidance is available for all retailers to use, free of charge, [here](#).

This consultation highlights two significant concerns;

- 1) What recording procedures will be required of retailers when purchasing fireworks from suppliers?
- 2) To what extent will retailers have to check that product labelling and instructions are correctly displayed on the pyrotechnics and will they have to record this?

ACS has responded to the relevant consultation questions below.

Question 1: If the details of the manufacturer and/or the importer cannot be put on the pyrotechnic article itself, we propose that they be put on the packaging or in an accompanying document. Do you support this approach? If not, why not?

ACS supports the corrected labelling of pyrotechnic articles and alerts retailers to their obligations to check that the pyrotechnics carry the correct CE marking and comply with British Standards.

We would like clarification on what new obligations these regulations will place on retailers to show that they have checked all the pyrotechnics have correct manufacturer and importers details. Will enforcement agencies expect retailers to keep written record showing they have checked all products?

We would also like clarification on whether retailers will be expected to check that each individual case of pyrotechnics contains the correct instruction booklet in the correct

¹ [ACS Advice: Selling Fireworks](#)

language and if this needs to be recorded. For all retailers this would represent a significant challenge unless it was sufficient to check the accompanying documentation.

There is a higher proportion of independent retailers who stock pyrotechnic products – 5% of independent retailers, representing just under 2,000 stores. The burden on these retailers of checking and recording all products will be significant as they often do not have a central administrative function and manage these processes themselves.

Question 4: We propose to make amendments to the Fireworks Regulations 2004 to ensure that they use the same system of categories as the Pyrotechnics Directive. Do you support this proposal? If not, why not?

We support the consistency of terminology with the Directive. We urge the Department for BIS to update its own guidance to reflect this and working retail bodies, including ACS, to communicate the change in terminology.

Question 6: Do you consider that the Impact Assessment correctly characterises the changes resulting from the new Regulations? If not, what needs to be changed?

There is limited analysis within the impact assessment of the consequences for the retail sector, especially for small retailers. Given the high proportion of small retailers who will be affected by the regulations, we urge the Department for BIS to look at how they can minimise the impact on these businesses.

Regulation 37, “Identification of Economic Operators”, is clearly the most burdensome element of the regulations. This is very much dependent on the level of information the retailer is expected to retain and in what format.

One solution to overcome this burden is to acknowledge in the regulation that the retention of receipts or invoices from the purchase or supply of pyrotechnic by an “economic operator” as sufficient evidence to record the sale of the pyrotechnics. However, it is usually standard practice for financial accounts to be retained for only 7 years not 10 years as stated in the Directive.

There is precedent for this process in the retail sector in the recently developed Alcohol Wholesaler Registration Scheme² led by HMRC. Under this programme all wholesalers of alcohol have to be listed on a registers and retailers are obliged to check they are listed by using a Unique Registration Number (URN) on their invoice. We are not suggesting the development of a wholesale registration scheme for pyrotechnic sales but that the retention of receipts and invoices would be enough to satisfy enforcement officers to understand who has supplied retailers with pyrotechnic products.

Question 7: Do you agree with our estimate of the number of businesses affected? If not, can you provide additional evidence?

There is not an assessment of the number of retail premises that sell fireworks in the impact assessment.

² [Alcohol duty: registration of alcohol wholesalers](#)

ACS Local Shop Report 2014 estimates that 4% of retailers in the convenience market have a license to sell fireworks, which represents 2269 retailers. ACS' Local Shop Report 2014 is based on a survey of ACS' multiple retail members representing 5,486 convenience stores and a survey of 2,200 independent retailers. These figures are then extrapolated across the whole sector based on there being 50,747 convenience stores in the UK.

**Question 8: Do you agree with our estimate of average costs (one-off and ongoing)?
Can you provide additional evidence to support your answer?**

There is not an assessment in the impact assessment of the cost on small retail premises. It is difficult to assess the impact of the regulations until there is clarity on whether new recording processes will be required or whether the retention of receipts will be a sufficient record to present to trading standards enforcement officers.

Further clarification is also required on the extent to which retailers will have to check that manufacturer and importer labels are correctly displayed on the product, and if the pyrotechnics include the correct instructions.

How many suppliers do retailers work with?

How many fireworks do they sell and what is the busiest time of year?