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Following the comments received after the LEWP-Customs meeting on 8 May 2023, the Swedish delegation prepared a revised draft report of action 11.9 Explosives – fireworks, pyrotechnics and their precursors.¹ Delegations are invited to agree on the revised draft report at the LEWP-Customs meeting on 12 June 2023.

¹ The changes on p. 18 and 30 are **bold and underlined** or ~~strikethrough~~.

Draft report of ACTION 11.9 Explosives – fireworks, pyrotechnics and their precursors**11th Action Plan****Table of Content**

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1. Introduction

The objective of Action 11.9 has been to identify and assess the threat of the illegal trade in pyrotechnics, fireworks and their precursors, by mapping and analysing the problem.

The mandate for *Action 11.9 Explosives – fireworks, pyrotechnics and their precursors (ST 5088/2/22)* was validated by the Law Enforcement Working Party (Customs) on 16 February 2022.

According to the mandate, the action would have one, two or three possible outcomes:

- Collection of information and analysis that will lead to a better understanding of the scale of and routes used for trafficking in fireworks, pyrotechnics and their precursors, to be described in a report. This may help customs in affected Member States to increase the number of seizures at the national level.
- The analysis could be used as a foundation for a possible joint control operation to disrupt the flow of illegal goods and test common risk criteria.
- As an added value, a possible joint control operation could also help to enhance the intelligence picture for Customs and other law enforcement authorities, and could also help operators in the goods supply chain to become more aware of possible risks in their flow of goods.

2. Background

Over the past couple of years, there have been reports of pyrotechnics misuse in various criminal contexts in parts of Europe. The overall rationale – as presented at the LEWP-C meeting on 18 January 2022 – included references to such reports and observations:

- *Illegal trade in explosives continues to pose a threat to the Member States and the internal security of the EU (SOCTA 2021)*
- *72 of the 95 attacks on ATMs in 2019 in NL conducted with explosives such as bangers and flash bangers (Dreigingsbeeld Milieucriminaliteit 2021)*
- *Increased use of pyrotechnics products in planned or plotted terrorist attacks in Europe (Terrorism Situation and Trend Report 2019, Europol)*
- *Residues from pyrotechnic compositions are found in a fairly high percentage of illegal detonations in Sweden (25-30%) in the past few years*
- *There has been an increase in seizures of pyrotechnics by Swedish Customs since 2020*

3. Summary of findings

To summarize what was found in Action 11.9:

1. Only a small number of Member States report frequent seizures of pyrotechnics.
2. Seizures are predominately made in postal or express mail.
3. Three courier services appear to be particularly popular. All three courier services have policies that prohibit the shipment of fireworks using their services.
4. The parcels originate from other Member States, a vast majority from **DELETED** are Member States of origin in some seizures.
5. The weight of the parcels varies, but 80 % are in the range 1-10 kgs.
6. Shipments are being detected all months, with a peak in October/November/December.
7. Different types of pyrotechnic articles are seized, but bangers and flash bangers occur in 70% of all cases.
8. A typical seizure consists of F3 Flash bangers, the shipment of which should be labelled as 1.4G or 1.3G according to ADR (Dangerous Goods by Road). However, seized parcels are rarely marked with ADR symbols to indicate that they contain dangerous goods.
9. Some 22% of the suspected consignees are younger than 18 years.
10. When specifically examining seizures of products that have an age restriction of 18 years on the EU level, one third of the consignees were under 18 years, indicating that age restrictions are not respected in the sale of pyrotechnics.
11. Very few seizures of pyrotechnics limited for professional use are reported, indicating that they are not readily available.

4. Methodology & Material

The mandate for *Action 11.9 Explosives – fireworks, pyrotechnics and their precursors (ST 5088/2/22)* was validated by the Law Enforcement Working Party (Customs) on 16 February 2022.

Action 11.9 has been conducted within a working group (see 4. *Working group meetings*) consisting of SE (Action leader), PT (Co-leader), CZ, DK, EL, ES, FI, FR, IE, LU, NL, PL, DG TAXUD and EUROPOL.

4.1 Data gathering and analysis

The first, and perhaps most important, task of Action 11.9 has been to assess the current situation. Are customs in Member States seizing pyrotechnics and associated precursors? If so, what is being seized?

The intelligence gathering phase of Action 11.9 has been conducted via a detailed seizure questionnaire, which was distributed to all participating Member States.

The questionnaire has been customized to encompass all types of seizures (parcels, inland, road, maritime, air, etc.), as well as all types of products. When Action 11.9 was first presented, it was stated that the data collection would cover seizures of the most restricted categories of fireworks and pyrotechnics, i.e. F4, T2 and P2 (see 5. *Definition of pyrotechnic article*).

However, the working group later decided that *all* seizures could be reported, regardless of product category. This as a way of establishing if and how other regulations such as age limits or regulations on the transport of dangerous goods are being observed, but also a way to make a point that smaller pyrotechnics, such as F3 flash bangers, also can cause harm and be misused in criminal contexts.

The collected data has been analysed by the Action Leader, and the findings are presented in this report.

4.2 Gathering knowledge outside of 11.9

There has been a notion within Action 11.9 that seizure data alone cannot give a full picture of potential threats or problems. The data represents what we already know. But what about the things that we do not know – yet?

An important task for Action 11.9 has therefore been to gather information outside of the action:

- On 31 May 2022, the Action Leader participated in a seminar in Paris arranged by the French EU Presidency. The seminar gathered representatives from the police, customs and market surveillance authorities from a wide range of Member States, all of whom deal with the trade in pyrotechnics in their operations. The seminar also included representatives from the pyrotechnics industry in France.
- On 8 September 2022, the Action leader participated in a seminar/study visit in The Hague, which was arranged by the Human Environment and Transport Inspectorate (market surveillance authority for pyrotechnics) in co-operation with the Netherlands Police. The visit was a follow-up to the seminar in Paris, at which the Netherlands gave a briefing on how they have managed to decrease the trafficking of pyrotechnics in fast parcels. The meeting in The Hague was an opportunity to further discuss the strategies used by authorities in the Netherlands. The French representative in Action 11.9 also attended the meeting.

4.3 Co-operation with EMPACT Firearms 1.4 Explosives

EMPACT Firearms Action 1.4 Explosives is an intelligence gathering action that focuses on all solid explosives, *including* pyrotechnics.

From the perspective of Action 11.9, this co-operation presented a number of opportunities. Experience from other actions conducted within EMPACT Firearms over the years shows a need to involve customs authorities to a greater extent, and by addressing the pyrotechnics issue simultaneously in two different forums, there is a distinct possibility to do just that. Further, it was clear that while the focus in 11.9 was to collect details on seizures made by (primarily) customs, the focus in EMPACT Firearms 1.4 was to obtain evidence or information on the misuse of pyrotechnics in Member States, which is typically a police concern. Thus, the two actions can add value to the overall picture.

From 2-3 November 2022, the action leaders for EMPACT Firearms 1.4 held a meeting in Sweden to discuss the path forward. The action leader for 11.9 participated in that meeting. One of the outcomes – the idea to hold an expert meeting with representatives of both customs and police – is described in *10. Recommendations*.

5. Working Group meetings

After the mandate for Action 11.9 was validated by the Law Enforcement Working Party (Customs) on 16 February 2022, a working group was formed. Three working group meetings have been held. All meetings have been held remotely using the Webex platform.

5.1 First Working Group meeting

26 June 2022

Participating MS: SE (Action leader), PT (Co-leader), CZ, DK, EL, ES, FI, FR, IE, PL + Europol

The first meeting focused on the mandate for 11.9 in general. In particular, there was a discussion on how the gathering of seizure and detection data regarding pyrotechnics and associated precursors should be conducted.

The action leaders presented a detailed questionnaire to use for the data collection. The questionnaire was accepted by the participants, though it was clear that not all of the requested data would be easily accessible or available to all Member States.

It was also decided that the action would not be limited to pyrotechnics for professional use (F4/P2/T2) but would encompass all seizures, regardless of category or type.

Action leaders informed the participants about the parallel action conducted within EMPACT Firearms (Action 1.4), which also addresses the illegal trade in pyrotechnics (see 3.3 *Co-operation with EMPACT Firearms 1.4 Explosives*). The aim was to find synergies between the two activities.

5.2 Second Working Group meeting

15 November 2022

Participating MS: SE (Action leader), PT (Co-leader), CZ, DK, ES, FI, FR, IE, LU, PL + Europol + DG TAXUD

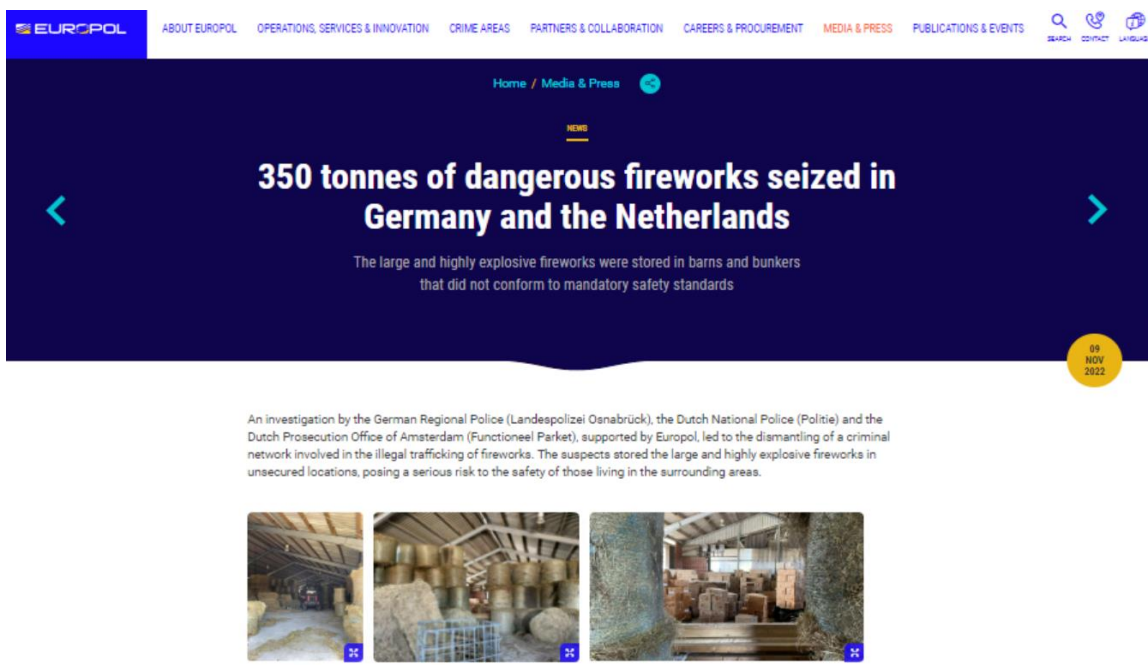
The second meeting focused on the preliminary findings from the data and intelligence collection phase. Due to a limited response from Member States, the deadline was moved from 15 August to 15 September.

The preliminary findings showed that two member states in particular have frequent seizures and detections of pyrotechnics, **DELETED**. A vast majority of seizures involve parcels entering the countries via post or express mail, and these originate from other Member States. Similar seizures were reported from **DELETED** but were not included in the preliminary findings because the information came too late to be included.

Since the data indicated that the smuggling of pyrotechnics poses a *limited* threat (in the sense that it is only applicable or evident in a small number of Member States), it was decided not to propose a joint control operation for 2023.

However, the findings from Action 11.9 alone cannot rule out that the actual prevalence of pyrotechnics smuggling is much higher. Representative from Europol (AP Firearms and Explosives) gave a brief report on a case concerning large-scale smuggling within the EU. In a seizure in **DELETED** near the **DELETED**, hundreds of tonnes of pyrotechnics (many of which were category F4, limited to professional users, see 5. *Definition of pyrotechnic article*) were seized in 2022.

The investigation, which was conducted with the support of Europol, seized illegal pyrotechnics with an estimated value of EUR 25 million.



*Screenshot of the Europol press release dated 9 November 2022, reporting on a major seizure of pyrotechnics near the **DELETED**.*

5.3 Third Working Group meeting

17 March 2023

Participating Member States: SE (Action leader), PT (Co-leader), CZ, DK, ES, FI, FR, IE, NL, PL + Europol

The third working group meeting focused on the findings and recommendations as presented in a draft situation report, including the seizure data from **DELETED** that was previously not included. With some minor changes, the report was validated by the group. The opportunity to start a closer co-operation between Member States in the group that appear to be affected by the trafficking of pyrotechnics (either as receiving or dispatching Member States) was discussed. Several Member States expressed an interest in participating in the expert meeting that is expected to take place later in 2023 within EMPACT Firearms Action 1.4, which aims to enhance the overall co-operation between customs and police authorities regarding pyrotechnics.

To ensure that the co-operation continues to be strengthened on all levels, it was decided that SE will arrange a fourth working group meeting after the situation report has been validated by LEWP-C.

6. Definition of pyrotechnic article

The trade in pyrotechnics is regulated at EU level in *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 (recast)*.

According to the directive, the term “pyrotechnic article” means any article containing explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions.

6.1 Different types of pyrotechnical articles

According to the directive, pyrotechnic articles are divided into three main categories:

Fireworks (F), meaning a pyrotechnic article intended for *entertainment purposes*. This category, of course, includes the type of fireworks that most people associate with celebrations such as New Year’s Eve, but also includes products such as firecrackers, bangers and flash bangers that are intended to produce an aural effect (a bang), sometimes combined with a visual effect (a flash).

Theatrical pyrotechnic articles (T), meaning pyrotechnic articles designed for indoor or outdoor stage use, including film and television productions or similar use.

Other pyrotechnic articles (P), meaning other pyrotechnic articles not categorized as fireworks or theatrical pyrotechnic articles, meaning they are *not intended to be used for entertainment or stage use*.

The principle is that products that comply with the rules laid out in the directive are subject to free movement within the Union.

6.2 Categories according to hazard

The main categories of pyrotechnics are, according to the directive, divided into sub categories based on hazard.

Fireworks are divided into the following categories:

F1: fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings;

F2: fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas;

F3: fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health;

F4: fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge (commonly known as fireworks for professional use) and whose noise level is not harmful to human health.

Theatrical pyrotechnic articles (T) are divided into:

T1: pyrotechnic articles for stage use which present a low hazard;

T2: pyrotechnic articles for stage use which are intended for use only by persons with specialist knowledge

Other pyrotechnic articles (P) are divided into:

P1: pyrotechnic articles, other than fireworks and theatrical pyrotechnic articles, which present a low hazard;

P2: pyrotechnic articles, other than fireworks and theatrical pyrotechnic articles, which are intended for handling or use only by persons with specialist knowledge.

6.3 Universal EU restrictions

Although pyrotechnics are subject to free movement within the Union, as shown above, there are some common restrictions that apply to the entire EU market, as stipulated by the directive.

Pyrotechnic articles of categories F4, T2 and P2 should only be sold to and handled by persons with specialist knowledge – often referred to as *professional users*. To acquire this knowledge, you need to be trained and approved by relevant authorities in the respective Member State. It should be noted that there is no harmonized standard for what these “licences” should look like; they differ from Member State to Member State but are still valid in all of the EU. The fact that a retailer in one Member State can be unfamiliar with what a valid licence from another Member State looks like can present a risk.

Other restrictions have to do with age limits. Articles labelled as F3, P1 or T1 should only be sold to individuals that are 18 years or older. The age limit for F2 products is 16 years or older, and F1 products have an age limit of 12 years.

These are the *minimum* regulations at an EU level, but MS can apply stricter regulations at a national level. For instance, you need a permit in Sweden to use or purchase any types of bangers and flash bangers, and the age limit for F2 products is set to 18 years (not 16 years).

The principle of free movement combined with variations in national legislations is the hotbed for smuggling, which will be shown below in the analysis of seizure data.



*F3 flash bangers, model DumBum Middle, one of the products that frequently occurs in the seizure data
Photo: Swedish Customs.*

6.4 Bangers and flash bangers

In this report, special attention is given to bangers and flash bangers. This is due to the fact that

- a) they have been shown to be predominant among reported seizures, and
- b) they have previously been known to be misused in criminal contexts.

As stated above, a banger is a pyrotechnical article that is intended to produce an aural effect (i.e. a bang on the ground). The pyrotechnic composition (sometimes called report composition) in a banger consists of black powder. The effect of a banger is stated in terms of its NEC (Net Explosive Content) or NEM (Net Explosive Mass).

A flash banger is similar to a banger but has a pyrotechnic composition containing a substance called flash powder. In addition to producing an aural effect, a flash banger also produces a flash of light. Like bangers, the effect of a flash banger is stated in terms of its NEC (Net Explosive Content) or NEM (Net Explosive Mass).

There are bangers and flash bangers that are categorized as F2, F3 and F4, depending on the amount of pyrotechnic composition. Both variants can be misused; the “charge” is contained in a non-metallic tube (often cardboard), and the pyrotechnic substance from several products can be emptied and combined in larger tubes, thus creating more powerful explosives.

It should, however, be noted that flash bangers generally pose a greater threat than bangers. This is due to the fact that flash powder is less stable and reacts more “violently” than black powder. This can present the risk of a mass explosion, meaning a single flash banger can explode and trigger all flash bangers in, for instance, the same package to explode simultaneously. The risk of mass explosion occurs when the composition of the flash bangers exceeds 2 g NEC.

Flash bangers with a NEC up to 1 g are categorized as F2, up to 2 g NEC as F3, and flash bangers with a composition that exceeds 2 g are categorized as F4, meaning for professional use only.

Note that there is no upper limit imposed on the composition of an F4 flash banger. The Cobra 8 flash banger, produced in Italy, can have a NEC of 100 g. This amount is equivalent to a hand grenade, and there is ample evidence that the detonation of a Cobra 8 inside a car can almost entirely demolish the car.



The effect of one flash banger with a pyrotechnic composition of 80-100 g NEC after being detonated outside of a car, near the front window. The impact has torn the hood away completely. Photo: Swedish Police Authority

The issue of defining a maximum limit for the composition of bangers has been discussed among market surveillance authorities within the EU, but there has not yet been enough support to take action on the issue.

7. Other regulations relevant to pyrotechnics

7.1 Explosives precursors

As mentioned above, a pyrotechnic article contains "explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions".

Some of the substances can be purchased separately – legally or illegally – making it possible for an individual to create his/her own pyrotechnical articles at home.

When looking at the illegal use of pyrotechnics, it is essential to incorporate seizures of explosives precursors in the data collection process. Substances that are defined as explosives precursors are listed in **Annex I and Annex II** in Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013.

In the mandate, ~~however~~, it is stated that the action should take into account **fireworks, pyrotechnics and their precursors** ~~associated precursors~~. **During the data collection phase Member States were invited to provide information about also other chemicals that can be used in the production of such articles.** ~~The reason for this is to provide Member States with an opportunity to include precursors that are not, per definition, categorized as explosives precursors (and thus not restricted in the same way) but are listed as reportable precursors in Annex II of the regulation. Swedish Customs have made several such detections in the past year, where the likely intention of the perpetrator was to manufacture pyrotechnics. These shipments have not only included chemicals, but also cardboard containers, sticks and fuses—all of the ingredients needed to produce pyrotechnics.~~

7.2 ADR, Transport of Dangerous Goods

Although subject to free movement, there are other regulations that are relevant for pyrotechnic articles. One such regulation is the Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) (https://unece.org/sites/default/files/2021-01/ADR2021_Volle_0.pdf)



In the ADR, fireworks, bangers, flash bangers, etc. are categorized as dangerous goods. There are regulations on how these goods can be transported, and though it is not within the scope of Action 11.9 to examine the regulations in detail, it can at least be stated that any package containing dangerous goods should be labelled as such. As will be shown later in the report, this is most often not the case.

In accordance with what was stated above regarding flash bangers, it should be noted that a flash banger containing up to 1 g NEC (F2) is labelled as 1.4G according to the ADR, while a flash banger with up to 2 g NEC (F3) is labelled as 1.3G due to a fire hazard and a minor blast and projectile hazard. An F4 flash banger is labelled as 1.1G due to the risk of mass explosion.

It should also be noted that transport companies can adopt policies that go further than the ADR in the sense that they will not accept *any* dangerous goods, such as different types of fireworks or bangers/flash bangers, in their flow of goods (see 8.1 *Predominate parcel couriers*).

8 Findings and analysis of the collected data

Ten Member States have responded to the questionnaire used in Action 11.9, covering seizures from 2021 and 2022 (DK also contributed data from 2020, which was the initial part of the study).

- Four Member States have no seizures to report. In addition, one Member state stated that they have very few seizures.
- One Member State has not been able to provide details, but has presented a summary of all seizures of explosives.
- One Member State reported a single seizure using the questionnaire.
- Three Member States reported multiple seizures using the questionnaire.

As a result, the analysis below is limited to findings from four Member States.

8.1 Total number of seizures

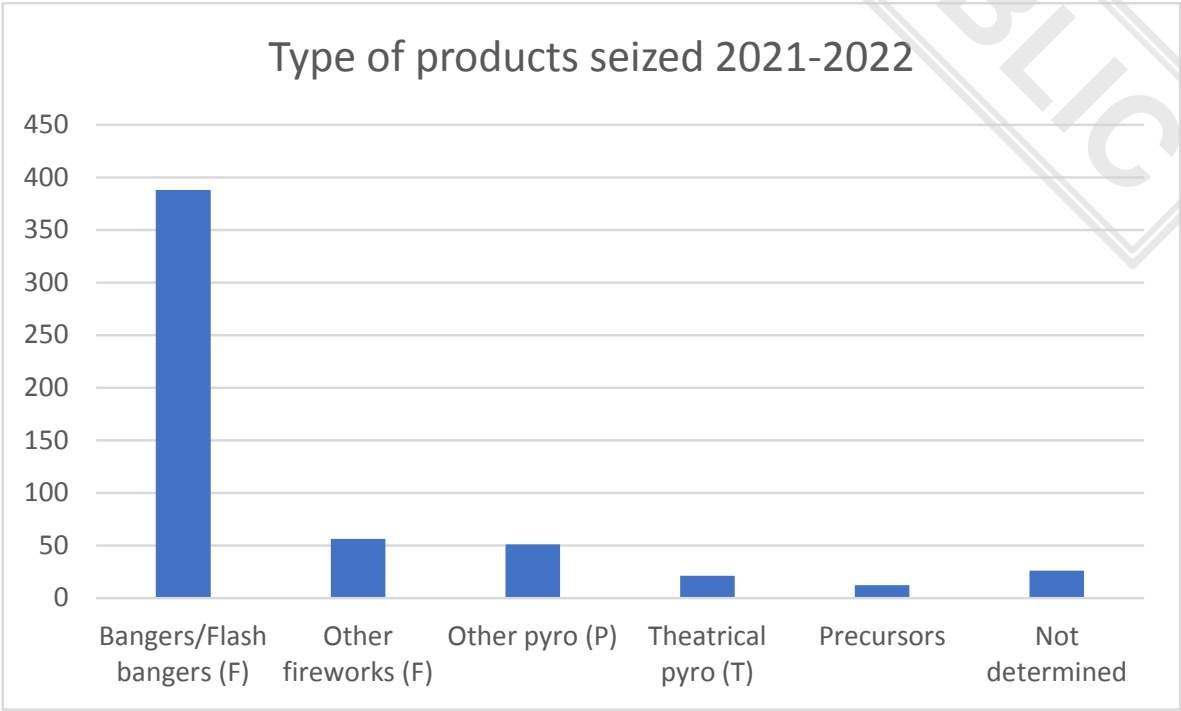
In total, there are records of 554 seizures of pyrotechnics or associated precursors from 2021 and 2022. For obvious reasons, the data from DK, FR and EL does not cover the entirety of 2022 (DK and EL reported their data in August and FR in November 2022). The data from SE, however, covers the entirety of 2022. It may seem unusual that the seizure data included here covers different periods in 2022, but since the aim is to provide as much useful information as possible, rather than to perform comparisons between different Member States, it was decided to include as many seizures as possible in the data.

It should also be noted that the majority of the reported incidents in the data analysed below are from SE **DELETED** and DK **DELETED**. As stated above, EL reported **DELETED**, and whilst FR has **DELETED** 2021.

As will be shown in the analysis below, a vast majority of the reported seizures are made in intra EU parcels, and it must be taken into account that not *all* Member State customs authorities have the mandate to perform controls for this flow of goods. However, what is detected in only a few Member States may still be relevant for other Member States.

8.2 Type of products seized

Participating Member States were asked to categorize the type of products seized by choosing among alternatives on the questionnaire. Note that the table below does not present the number of items, but the number of seizures containing any number of the specific item stated.



It can be argued that the data is not completely reliable in the sense that a single seizure may consist of several different types of products. As respondents were asked to choose one of the categories, there is a possibility that one or several categories will be underestimated.

With this said, it is clear that *at least* 388 out of 554 reported seizures contained bangers or flash bangers, making products in this category by far the most reported. It also seems clear that there is not a high rate of seizure or detection of precursors among the reporting Member States **DELETED**.

Thankfully, a very small portion of the seizures reported concern pyrotechnics for professional use (F4/T2 or P2). Only three such seizures were reported, **DELETED** (P2 product in parcel) and **DELETED** (one seizure of F4 flash bangers in a parcel and one seizure of F4 flash bangers inside the luggage of an air passenger, see 7.4 *Types of seizures* below for more information).

In this sense, Action 11.9 does not, in itself, indicate that there is a significant illicit trade in professional pyrotechnic articles that originate from retailers in Europe.

8.3 Age of suspects

Member States were asked to report the year of birth of individuals suspected of smuggling pyrotechnics, as well as to determine whether these individuals are under the age of majority (younger than 18 years). Out of 371 individuals, 22% were younger than 18 years, indicating that they may have been able to purchase the seized items in violation of the EU directive, which stipulates that categories F3/F4/P1/P2/T1 and T2 should only be sold to individuals 18 years or older (this is covered in more detail in *8.4 Types of products versus age of consignees*).

8.4 Type of seizures

Out of 554 reported seizures, no less than 511 (92% of all seizures) involved parcels detected in express mail or postal services. Given this, the next section of this report will focus entirely on postal/express mail seizures.

The second most common type of seizure was “Road”, meaning a vehicle has been stopped and pyrotechnics have been seized. In total, 22 such road seizures were reported. Out of those, only one was reported to have crossed an external border (**DELETED**). Although some data is missing, a majority of the road seizures were made in personal vehicles, while two seizures were made in smaller lorries/trucks.

In addition, eight seizures were reported as inland seizures (house searches) and four as maritime seizures (passengers arriving from other Member States by ferry).

DELETED.

F4 flash bangers are categorized as 1.1G according to the ADR and are strictly forbidden on passenger flights.

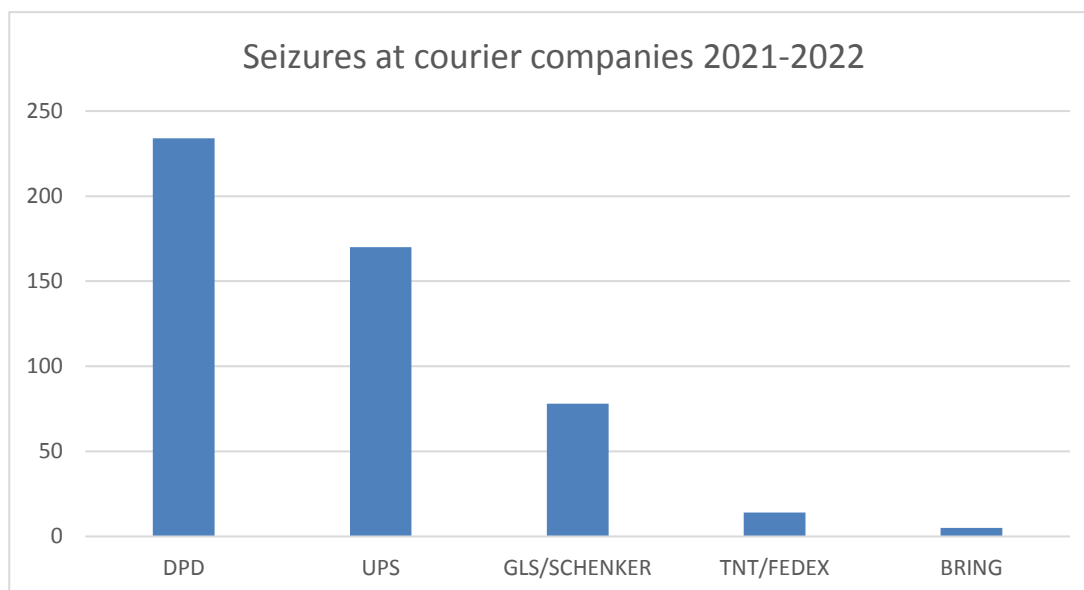
9. Seizures in fast parcels/express mail

Only 1 of 511 seizures was made in a parcel coming from a third country (**DELETED**, containing black powder), all other seizures originated from within EU, almost entirely from one Member State. The reported parcels have originated from:

DELETED

9.1 Predominate parcel couriers

A vast majority of the seizures are made at three major parcel services.



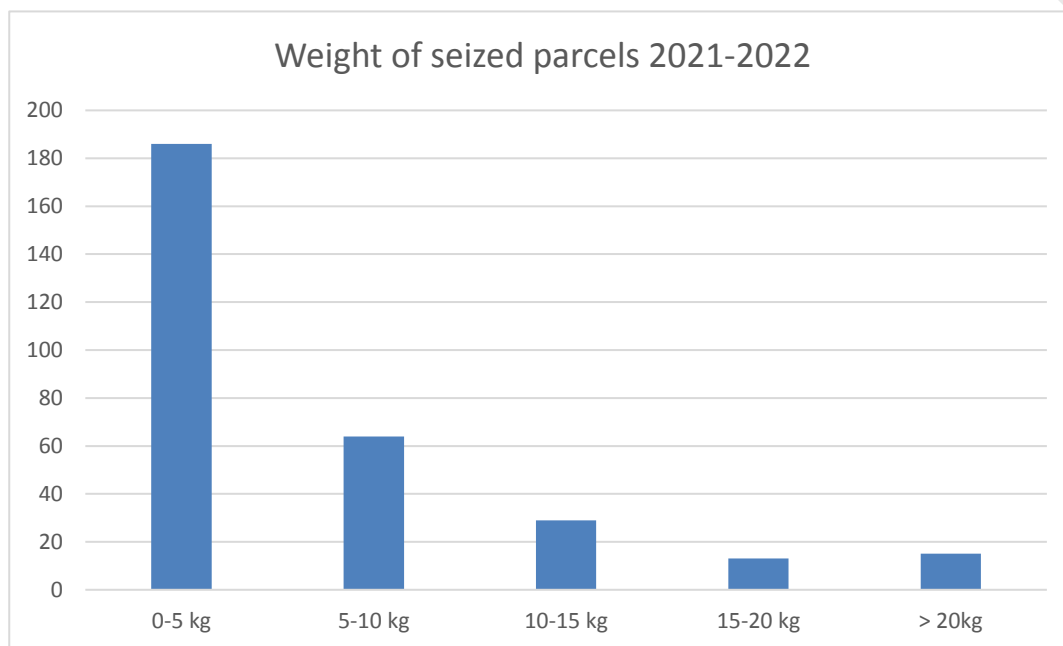
DELETED.

It should be noted that the three largest parcel distributors above **DELETED** all have policies that prohibit the dispatch of fireworks through their services.

9.2 Weight of parcels

One weakness of the questionnaire is that it does not take into consideration how Member States should report the number of seized items if they reported a certain type of product. Meaning, does the number correspond to that particular product, or is it the sum of all items found in the parcel?

Regardless of which is the case, it is clear that for a parcel, a typical seizure consists of a large number of pyrotechnical products. In the questionnaire, Member States could specify the total weight of the parcel:



Pyrotechnics are rarely purchased one by one; the number of items in a single parcel can be several hundred but still have a relatively low weight. At the same time, it is notable that 18% have a weight of 10 kgs or more.

9.3 Markings on parcels

The questionnaire did not include data on the volume of parcels, nor did it include questions on the appearance of the parcels. There was one question asking whether the parcel was labelled as dangerous goods, but it is understandable if the reporting customs authorities were unable to provide this information (in most cases, they are not concerned with this information). “No info” was the predominate answer.

In spite of the above, it can be determined that parcels *rarely* are labelled as containing dangerous goods, since that would be counter to the modus operandi of the perpetrator. It would not make sense to ask a parcel company that prohibits the dispatch of fireworks to deliver a parcel that is labelled as 1.4G, 1.3G or 1.1G according to the ADR. See below:



An unmarked parcel sent from PL to SE. The consignee was a 14-year-old boy. The weight of the parcel was 12 kgs and contained over 300 F3 flash bangers (age limit 18 years) alongside other fireworks. The individual packages inside are marked with ADR labels, but not the parcel. Photo: Swedish Customs.

9.4 Types of products versus age of consignees

As was the case for the seizures overall, the dominant type of product seized in parcels includes different types of bangers and flash bangers (almost 70 % of all seizures contain *at least* these types of products).

In the questionnaire, Member States could specify what category of bangers/flash bangers they seized (F2, F3, F4, etc.). This is not specified for all seizures, but for those where the information is available, the data shows that 86 % of the seizures of bangers or flash bangers are of F3, F4 (only one seizure) or P1, meaning that they involve products with an age restriction of 18 years or over.

The same applies for all types of pyrotechnics. A rocket categorized as F3, or a hand torch categorized as P1 also have an age restriction of 18 years or older. That makes it possible to estimate how common it is for pyrotechnics to be sold to minors simply by cross matching the category of pyrotechnics with the age of the consignee.

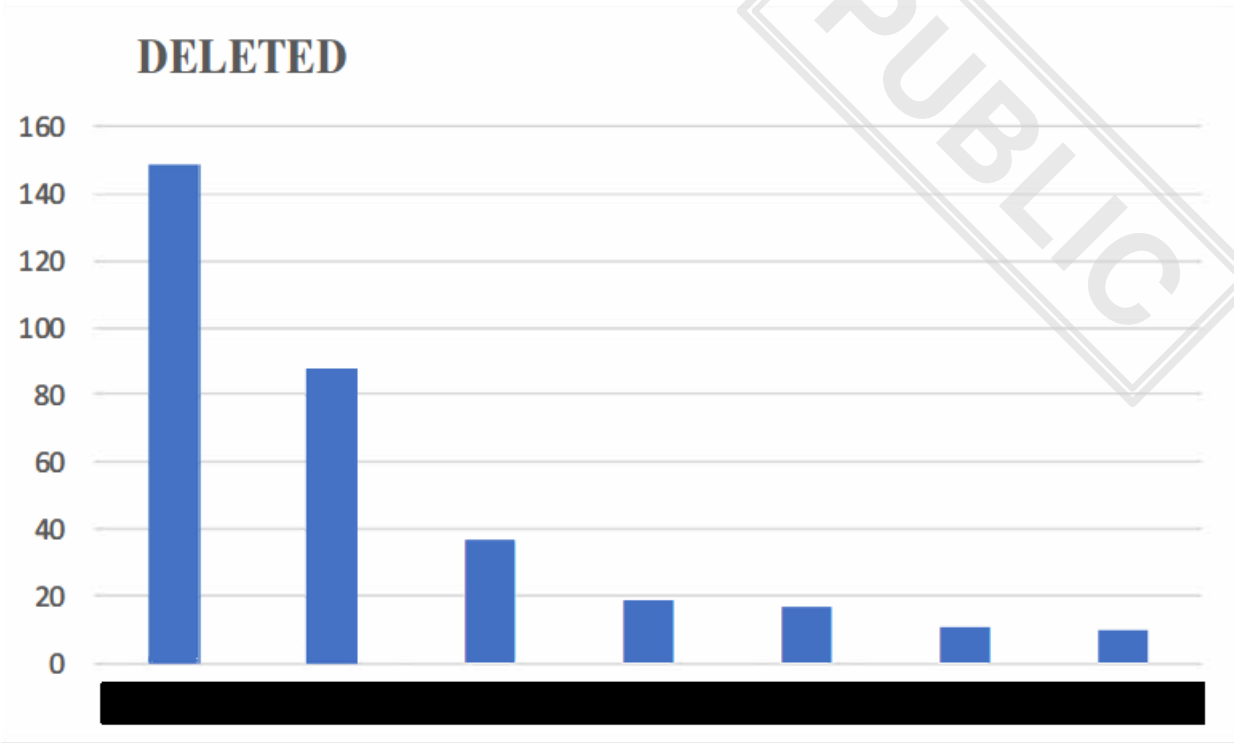
Such a cross match shows that 44 out of 120 consignees that received items categorized as F3/F4/T1/T2/P1 or P2 (where such information is available) are younger than 18 years (some younger than 15 years), meaning that at least one out of three consignees are underage. One conclusion that can be drawn based on the seizures is that there is poor compliance with the stipulated EU Directive.

9.5 Consignors

Who are the consignors, and *where* are they? When looking at the data, while taking into account that one specific individual or company can be listed in slightly different manners (how the postal code is written or how the name of a company is reported), it is estimated that the seizure data contains more **DELETED**. Given the fact that there are 511 seizures reported, this indicates that the sale of pyrotechnics is not limited to a few companies.

Further, it seems that more than a third of the consignees are individuals, while the rest are companies. On the other hand, what appears to be an individual can in fact be the head of sales for a company. Likewise, what appears to be a company name can in fact be the name of a logistics firm that is handling a parcel on behalf of an individual.

Instead of looking at the number **DELETED**, it can be more beneficial to examine the locations from which the different parcels have been sent. When doing so, a pattern seems to emerge:



The seven locations in the table above are reported as “consigning” cities (the location from which the parcel was sent) and constitute 65% of all parcel seizures analysed in Action 11.9. **DELETED**.

9.6 Small seizures can hold big secrets

DELETED is an obvious strategy when trying to mitigate trafficking. Another is to focus on **DELETED**.

If a particular consignor has sold numerous F3 bangers to a 14-year-old boy, **DELETED**, the seizure can be of interest for more than just the customs authority that intercepted the parcel.

- The market surveillance authority in the originating Member State might be interested in knowing that a retailer apparently has no way of verifying the age of its customers, or
- The transportation authority might be interested in knowing that unmarked parcels containing dangerous goods are being shipped, or
- **DELETED** might want to know that they have a customer that has violated their shipping policy – **DELETED** if prohibited items are sent using their services.



DELETED. Photo: Swedish Customs.

It should also be stated that some seizures are worthy of a more thorough investigation. In December 2022, Swedish Customs stopped a parcel originating from **DELETED**. The listed consignor was a **DELETED**. The consignee in SE claimed no knowledge of the parcel, **DELETED**. This would be of little interest to Action 11.9 had it not been for the content of the parcel. In addition to F3 flash bangers and other fireworks, there were also **DELETED**.

The fact that F4 flash bangers **DELETED** reveals a potential risk. It is likely that the **DELETED** that sold these products sells other F4 products to other individuals in several Member States.

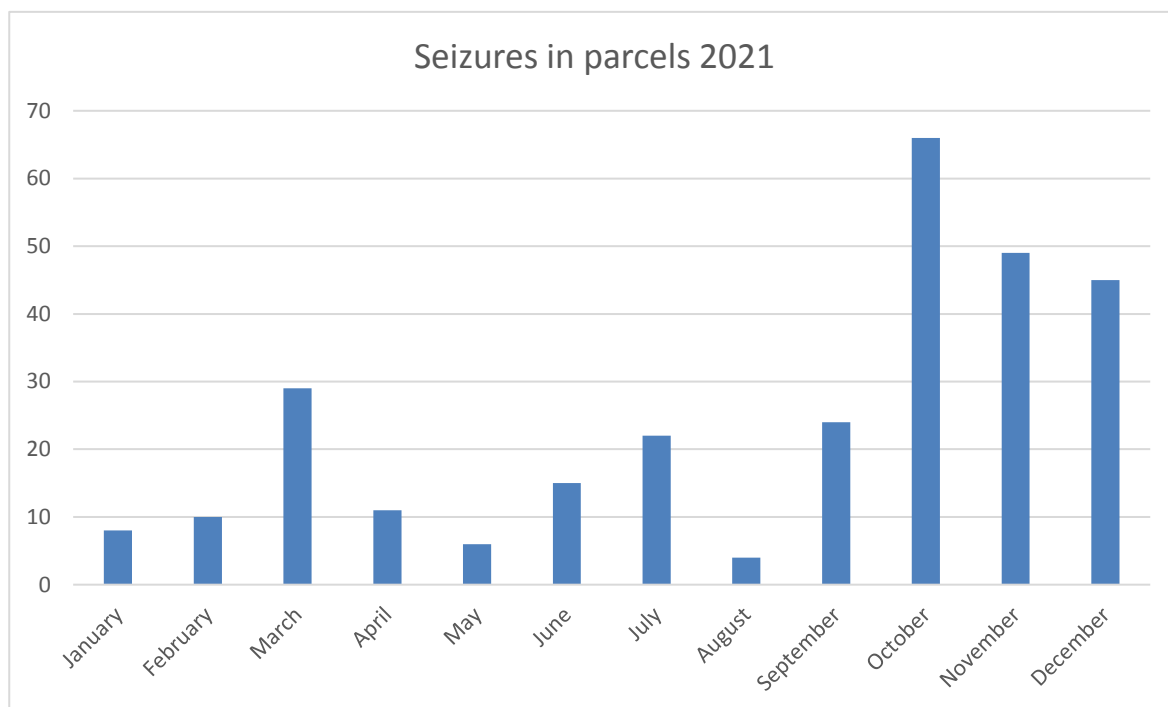
Interrupting the distribution of such highly hazardous products at the source can be an important way of mitigating the risk of future trafficking, but it requires a level of international co-operation **DELETED**.

9.7 Open for business all year long

Finally, it may be of interest to show the time of year during which seizures are made. Since Member States only reported data for a full year in 2021, it can be worthwhile to break down the seizures from 2021 by month.

Unsurprisingly, the data shows a peak during the last three months of the year, presumably increasing in the lead up to New Year's Eve. But what is perhaps equally interesting is that seizures are made all year long.

If nothing else, it shows that pyrotechnic retailers are always open for business, regardless of the season.



10. Recommendations

It is no easy task to assess the threat that the illegal sale of pyrotechnics poses based solely on Action 11.9.

On the one hand, there is no evidence that pyrotechnics should be of major concern to a majority of customs authorities based on the seizures reported in 11.9. Only three Member States have frequent seizures, and they all seem to tell the same story: Pyrotechnics are sent in parcels, **DELETED** but the products shipped are rarely of the most hazardous category (F4). As a result, the Working Group for 11.9 has decided to refrain from proposing a joint control operation focusing on pyrotechnics.

On the other hand, **DELETED** is somewhat problematic. Many customs authorities in Europe **DELETED**. If this is where the illicit trade in pyrotechnics is focused, we would not expect Member States to be able to report a large number of seizures.

In addition, information gathered from outside the customs community tells a somewhat different story. The fact that hundreds of tonnes of *professional* fireworks have been seized by police in Europe in 2022 indicates that there is in fact a significant illicit trade in pyrotechnic articles originating from businesses, even though this is not evident in 11.9.

One conclusion is that there is a need for enhanced co-operation, not only between customs authorities, but also with other relevant parties. Action 11.9 recommends the following measures:

1. Based on reported seizures, a risk profile concerning pyrotechnics should be shared with all customs authorities via CRMS, consisting of all relevant consignor data, etc.
2. At the same time, all Member States are **encouraged** ~~urged~~ to share information on *future* seizures of pyrotechnics or associated precursors.
3. The risk profile should also be shared with action leaders for Op Armstrong (EMPACT Firearms), as they deal with trafficking of firearms in fast parcels. The risk profile can be used in future controls organized through EMPACT.

4. This report should be shared with market surveillance authorities in the EU through their EU expert group, ADCO (FR is currently chair of that group). The fact that many consignees are underage might also be of interest to these authorities.
5. Likewise, the report should be shared with COM, since there are plans to evaluate the Pyrotechnic Articles Directive in 2023.

In order to enhance the customs-police co-operation, there is also an opportunity for relevant authorities involved in 11.9 to participate in an expert meeting planned by EMPACT Firearms Action 1.4 (Explosives). The purpose of the meeting is described as follows in the OAP (Operational Action Plan):

DELETED

Although still in the planning stage, the meeting is scheduled to take place in September 2023 and serves as an opportunity to determine what police and customs can do together based both on findings in 11.9 and EMPACT 1.4. According to information received, the intention is to also invite representatives from the market surveillance authorities that deal with the trade and use of pyrotechnics within the EU.