



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 June 2013**

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**Interinstitutional File:  
2011/0358 (COD)**

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ADD 1 REV 1**

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COMPET 370  
OC 324**

**ADDENDUM TO THE "I/A" ITEM NOTE**

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from : General Secretariat of the Council  
to : COREPER / COUNCIL

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Subject : Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (recast) (**first reading**)  
- Adoption of the legislative act (**LA + S**)  
= Statements  
**COMMON GUIDELINES**  
**Consultation deadline for Croatia: 7.6.2013**

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**Statement by Bulgaria**

Bulgaria supports the adoption of the Directive of the European parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles.

Nevertheless, Bulgaria regrets that the possibility for the manufacturer to appoint an authorised representative is not covered by any rules in this Directive. The absence of harmonised provisions governing this general right of the manufacturer could lead to divergent rules and practices in the Member States which, in turn, could create difficulties for economic operators.

In order to minimise the negative effect of the absence of such rules Bulgaria considers it necessary to introduce the relevant reference provisions of Decision No 768/2008/EC in its national legislation.

### **Commission statement on the Competence of the Committee**

The Commission regrets the adoption of the Article 45(2b) that has the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercise its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee.

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