

Advice of the Brussels Animal Welfare Council (4/11/2022)

regarding a ban on the use, possession and purchase of fireworks by private individuals

The ignition on the ground and explosion in the air, and, to a lesser extent, the flashes of light from fireworks cause several reactions in animals. These intense stimuli can lead to fright, fear and/or phobias. The startle reactions and flight behaviour that fireworks provoke in some animals can also cause injuries, even death, and can be a threat to public safety. Examples include pets or livestock breaking through fences, wild animals getting startled and ending up on motorways, etc. Besides animal welfare, other important risks are associated with fireworks, such as life-threatening human accidents, fire risks and air pollution.

On this topic, a report for the Brussels Animal Welfare Council was drafted, providing an overview of current Belgian and European legislation, various possible approaches and the progress of other countries, regions and municipalities. The report was supplemented by the advice that was approved by the Flemish Council for Animal Welfare in June 2022.

The Brussels Animal Welfare Council concurs with this Flemish opinion, which calls for a ban on the use, possession and purchase of fireworks by private individuals. To begin with, the use of fireworks by private individuals at unpredictable times prevents animal owners from taking precautions. And although a ban on the private use of fireworks already exists in many Belgian municipalities - including the 19 municipalities of Brussels Capital Region (BCR) - its enforcement has proved difficult in practice. Indeed, the possession and the purchase of fireworks by private individuals should also be banned in order to achieve effective enforcement. However, these bans and their effective enforcement seem impossible to obtain at regional level.

Firstly, the Constitutional Court already ruled (in 2019), following an appeal against a Flemish Decree¹ regarding a general ban on the use of fireworks (with the possibility for exceptions to be granted by local governments), that this is not a regional competence. Indeed, the use of and trade in fireworks is regulated by a directive² at European level, and by a law at federal level³. Secondly, a trade ban will only be effective if it acts across regional borders.

The Brussels Animal Welfare Council therefore **asks the federal government to examine the modalities for a general ban on the use, possession and purchase of fireworks by private individuals and, if possible, to introduce it**. Moreover, pending a response at the federal level, the Council asks that the BCR **investigates** the possibility of adopting legislation to oblige private individuals **to use only "low-noise" or "silent" fireworks***.

¹ "Décret van 26 april 2019 houdende een reglementering op het gebruik van vuurwerk, voetzoekers, carbuurkanonnen en wensballonnen" – "Décret de 26 avril 2019 portant réglementation de l'utilisation de feux d'artifice, de pétards, de canons à carbure et de lanternes volantes"

² 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

³ "Wet van 28 mei 1956 betreffende ontplofbare en voor de deflagratie vatbare stoffen en mengsels en de daarmede geladen tuigen" – "Loi du 28 mai 1956 relative aux substances et mélanges explosibles ou susceptibles de déflager et aux engins qui en sont chargés."





Regarding the **use of fireworks by professionals** (e.g. during events), the Brussels Animal Welfare Council (hereafter: the Council) believes that this should always be **announced very widely, clearly and well in advance**. This should ensure that animal owners can take appropriate precautions. Additionally, municipalities and other **public authorities** should (a) **set an example** by not organising or permitting fireworks or by developing alternatives (e.g. light shows, ...) and (b) **raise public awareness** about the ban for private individuals and the reasons for it (including animal welfare). In the BCR, these requirements have since several years been included in the label "animal-friendly municipality"⁴.

In order to further improve the protection of animals from the effects of fireworks, the Council asks that the regional ministers of animal welfare and environment jointly request action at the federal level. On top of this, the Council also asks that the BCR simultaneously and individually **investigates** the possibility of adopting legislation to oblige professionals **to use only "low-noise" or "silent" fireworks***.

**These are fireworks with a lesser sound of the detonation in the air (70 dB) than conventional fireworks (150 dB)⁵. The sound of the ignition on the ground does remain as loud as with conventional fireworks. So far, however, there has not yet been a survey of the support for this among professionals. In addition, there is not yet a legal definition of "low-noise" or "silent" fireworks, as there is (laid down in the aforementioned European Directive) for other fireworks⁶.*

⁴ <https://leefmilieu.brussels/themas/dierenwelzijn/subsidies> - <https://environnement.brussels/demande-dun-subsidie-bien-etre-animal-pour-les-communes>

⁵ <https://www.gaia.be/fr/campagne/feux-dartifice-bruit-contenu>, <https://defi.eu/utiliser-des-feux-dartifice-a-bruit-contenu-pour-reduire-le-stress-des-animaux/>

⁶ Divided into categories: F1 (minimal hazard and noise, indoor use), F2 (low hazard and noise, outdoor use), F3 (medium hazard and noise, outdoor use in large open areas) and F4 (high hazard and noise, for professional use only).

