



Brussels, 09 July 2007

## SUMMARY RECORD OF THE MEETING OF THE COMMITTEE OF DIRECTIVE 2001/95/EC ON GENERAL PRODUCT SAFETY

BRUSSELS – 28 JUNE 2007

### *Introduction*

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The meeting was chaired by Mr Stefano Soro, Head of unit.

#### **1. Adoption of the Agenda**

The draft agenda was adopted without changes. The adopted agenda is attached as Annex 1.

The list of actions is attached as Annex 2, the attendance list as Annex 3.

#### **2. Adoption of the minutes of the previous meeting**

The draft minutes were adopted without changes. The adopted minutes are attached as Annex 4.

### *Implementation and application of the new General Product Safety Directive*

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#### **3. Lighters**

##### **- Status of the implementation of Decision 2006/502/EC and 2007/231/EC in the Members States**

The Commission asked Member States, notably those (CZ, IT and SE) where there seem to be implementation delays, to report on the status of the implementation of the Commission decisions banning non-child resistant and novelty lighters. Everything should be in place for the implementation by 11 March 2008 in all Member States.

##### **- Discussion of the draft Commission Decision laying down the child resistance requirements under Article 4(1)(a) of GPSD**

The Commission indicated that the Members States have received the draft Decision on the 24 April for comments. The draft is now discussed within the Commission and a solution should be found soon.

The Commission explained that, once all the language versions of an internally agreed draft are available, the draft will be submitted to the vote of the Committee by written procedure, leaving Member States ample time to formulate their opinions – taking into account the summer holiday period.

## **- Discussion on draft mandate for the revision of EN 13869 standard**

The draft mandate taking into account the comments received from the Member States and from ANEC was discussed. The Commission outlined the procedure for adoption of the mandate through consultative procedure.

The Commission explained that CEN will be asked to work on the definition of "novelty lighters" but not on the scope of the Decision on specific child safety requirements so luxury lighters will still be exempted. The Commission indicated that CEN will have to focus on the revision of the standard EN 13869 only and proposed to follow in parallel discussion on the issue of "utility lighters" raised by a Delegation, in order to avoid delaying the proper preparations for the enforcement of the current Decision.

### **4. Self-extinguishing cigarettes**

The Commission presented the draft of the Decision on the safety requirements to be met by European standards for cigarettes pursuant to Directive 2001/95/EC on General Product Safety. The draft was based on the latest Member State data, whose extrapolation to the EU-27 and EEA-EFTA countries pointed to an estimate of 40,000 fires, 2,100 deaths and 7,500 injuries, and some €150 million of material damage caused by lit cigarettes left carelessly unattended.

The Commission also mentioned the standard ASTM E2187 of the American Society of Testing and Materials (ASTM) as the means to measure reduced ignition propensity (RIP) in use in all those jurisdictions which have introduced or are introducing RIP requirements. In the EU no RIP requirement exists, but all the Member States which expressed their views on this issue appeared to favour such a requirement. The development of a European standard and its referencing under the General Product Safety Directive appears to be the option favoured by a large majority of Member States and will be the avenue pursued by the Commission in this respect. The safety requirements for cigarettes should be drawn up under the provisions of article 4 of Directive 2001/95/EC, with the aim to request the standardisation bodies to develop a standard on RIP of cigarettes and to allow the publication in the Official Journal of the standard adopted. Standardisation bodies should give appropriate consideration to the ASTM E2187 standard.

#### Discussion

In response to Member States' comments, the Commission:

- Stated that the ASTM E2187 standard should provide the effectiveness benchmark for the development of a European standard in this area.
- Explained that all relevant Commission services will be consulted on this issue, starting with the draft safety requirements.
- Underlined that the GPSD Committee is indeed the appropriate forum for addressing this issue with the Member States, given that the question is related to fire safety and not to the adverse health effects of smoking. In any event, the Commission services responsible for the Directive on Tobacco Products are kept fully informed of all developments in this area and a preliminary presentation on this subject was given to the Tobacco Products Committee late in 2006.

- Invited the Member States again to send any relevant data and information which would allow having a more complete picture of the scope of the issue.
- Announced that the draft Decision on safety requirements should be put to the vote of the Committee at its next meeting, provisionally scheduled for the last week of November 2007.

## **5. Draft Commission report to the European Parliament and the Council on the implementation of the General Product Safety Directive**

The Commission presented the outline of the report on the implementation of the GPSD which should be sent to the Member States in next weeks. The draft report consists of a descriptive part and of an assessment and recommendations part. It first outlines the transposition of the GPSD in national legislations. Further it notes the outstanding issues and then addresses the issues as requested in the reporting provision of the GPSD (Article 19(2)), namely traceability, market surveillance, standardisation, RAPEX and specific measures adopted under Article 13. The draft also includes a part dealing with safety of services.

There were no comments or questions on the presentation.

The Commission informed the Members States that they will be consulted informally on the report – whose adoption is not subject to the Comitology procedure – as well as, at a later stage, on the outcome of the monitoring of the transposition of the GPSD at national level. This will become subject to bilateral discussion.

### ***Issues related to the operation of RAPEX***

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## **6. Information on the publication of the 2006 RAPEX annual report**

The Commission showed a video news release prepared on the occasion of the publication of the 2006 RAPEX annual report which took place on 19 April. On this occasion, Commissioner Kuneva held an extremely well attended press conference and the ensuing coverage has been extensive and generally very positive. The Commission thanked the numerous Member States which lent samples of dangerous products which were displayed at the press conference.

## **7. RAPEX statistics**

The Commission presented the RAPEX statistics from January to May 2007.

Between January and May 2007, the Commission validated 582 RAPEX notifications including: 516 Article 12 notifications (serious risk), 2 Article 11 notifications (non serious risk) and 64 notifications for information. Main categories of notified product were toys, motor vehicles and electrical appliances. Main types of risks notified were injuries, choking, electric shock, fire and burn and chemical risk. Almost half of the notified product concerned products of Chinese origin.

Generally speaking, the number of RAPEX notifications has continued to rise compared with the same period in 2006 (339 notifications). There has been an overall rise of 52% in the first 5 months of 2007.

Between January and May 2007 the Commission treated and sent 732 RAPEX reactions to Member States and EEA-EFTA countries. Most of the reactions were sent to inform the Commission that the notified product has been found on the national market. The main categories of notified product and types of risks in reactions were the same as in notifications.

#### **8. Notifications on lighters – line to take**

The Commission provided information on notifications on lighters. If all the criteria of the GPSD – including in particular information allowing a proper identification of a product – are met, a notification will be validated through the RAPEX system. If not, the notification will be distributed for information only.

The Commission will continue its endeavour to inform consumers on this issue, notably through a dedicated section on its web pages.

#### **9. Seminars at national level – update**

The Commission provided a brief update on RAPEX seminars. These training events are aimed to improve the operation of the RAPEX network at national level.

In 2006, 9 seminars were organised for 13 Member States. For 2007, seminars already took place in SI, IE, IT and FI. Requests from 6 Member States (PT, NO, MT, ES, BG, FR) have been received. The provisional planning for these seminars is as follows: 21 September in PT, 1 October in Norway, 11 October in MT, 6 November in Bulgaria, 22 November in ES and date still waiting for confirmation in FR. The Commission invited other interested Member States to send requests for a training seminar.

Regarding organisation and financing of seminars, Members States still covered by TAIEX are warmly invited to make use of this facility.

#### **10. RAPEX contact points meeting**

The Commission provided a brief overview of outcome of the RAPEX Contact Points meeting of 23 March 2007. The next meeting should take place on 16 November 2007 (to be confirmed). FI and UK have volunteered to present their national activities; the Commission underlined the importance of exchanging best practices and invited other Member States to do so.

#### **11. Improvement of risk assessment guidelines (IRAG)**

The Commission presented the latest developments of the work of the IRAG Working Group (WG) under the GPSD. After 7 meetings, the WG has made its approach to determine the risk of consumer products quite robust. The ideas of a numerical approach and of cumulating risks were eventually rejected, and the approach initially developed was maintained.

The Commission added that a final meeting of the WG is planned for September 2007, for finalising the revised draft RAPEX risk assessment guidelines. A public consultation would then follow, and a workshop is planned for early December 2007 to present the revised guidelines to stakeholders, possibly with practical exercises.

#### ***Standardisation***

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## **12. LNE study on child care and child use products**

In 2006, the Commission launched a call for tender and a project was awarded to LNE, for 14 months (until end November 2007), to carry out a comprehensive work programme in 3 phases: (i) make an inventory of existing childcare and child use products (target population up to 4 years) which lack standards at European level under the GPSD; (ii) make a risk assessment of at least 20 products identified under phase 1; (iii) identify the safety requirements for the standards, on the basis of the risk assessment for the identified products for drafting mandates to ESO to develop EN standards under GPSD.

The project is currently at the end of stage 1. The consultant has carried out an extensive survey and drew up after identification, screening and ranking a list of 21 products for which standardisation should be considered and the relevant risk assessment.

The study also revealed shortcomings in standards currently being revised. It concerns the comments given by stakeholders for cots, carry cots, wheeled child conveyances, safety barriers, changing units and bunk beds. These comments should be transmitted to the CEN in charge of the revision of the standard to contribute to the standardisation work already undertaken.

The Commission announced its intention to circulate the report.

## **13. High chairs**

At the meeting held on 15 November 2006, the Commission circulated a note from the UK delegation which described problems with the standard for high chairs EN: 14988, parts 1 and 2. At the same meeting, the Commission requested Member States to provide information on their experiences with that standard. The same request was resubmitted at the subsequent meeting held in February 2007.

Based on the comments from the Member States, stakeholders, standardisation bodies, testing laboratories and industry representatives, high chair was marked as a childcare product for which standardisation work should be carried on, since its relevant standard EN 14988, does not cover all possible foreseeable risks.

## **14. ISO-COPOLCO meeting on 22-25 May 2007**

The Commission gave a brief overview of the outcome of the ISO-COPOLCO meeting which took place on 22-25 May 2007 in Brazil. The meeting was divided into plenary meeting and working groups, in particular working group on product safety, on consumer participation and on global marketplace.

The working group on product safety dealt with presentation on inclusion of rationale statements in standards, ISO Guidance standard "Consumer Product Safety", revision of ISO/IEC Guide 51 (Safety aspects, guidelines for their inclusion in standards) and use of ISO Toy Safety Standard – survey. In addition, following work items were discussed: (i) a role for standards in identifying data elements required for a product related data collection system, (ii) domestic water treatment devices, (iii) development of nanotechnology standards (dealt with in ISO WG 229), (iv) adequacy of instructions and (v) quality and fitness of purpose of child protective products.

The working group on consumer participation dealt with follow up on discussions on funding, benchmarking and monitoring of consumer participation and justification paper on consumer and public interest stakeholders' involvement in decision-making and consultative processes. The working group on global marketplace tackled the issue of e-commerce consumer standard, guidelines for regulatory compliance programmes and new B2C standards.

Within the conference also a workshop was organised. It dealt with the issue of the fair trade, in particular what "fair trade" is, how it differs from other concepts such as corporate social responsibility or from other labels such as "ethical trade" or "ethically produced", "sustainable consumption, "locally produced", "organic".

**15. Procedural issues (publication of references in the OJ; new version of standard available)**

The Commission informed that the GPSD does not contain any provisions for publication of standards adopted after 2004 without a mandate or subsequent revisions of published standards without a mandate. The Commission stressed that this situation must be clarified based on views of the Member States.

***Product Safety Network***

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**16. Agenda of next meeting of 29 June 2007**

The Commission gave an overview of the main topics on the agenda of the meeting of the Product Safety Network .

**17. Joint actions 2007**

The Commission presented the current status regarding the joint actions for 2007. 5 proposals have been received and evaluation is on-going. The Commission will inform Member States of the decision for financial contribution as soon as possible.

**18. Reminder of funding possibilities for the exchange of officials between surveillance authorities of the Member States and EEA countries**

The Commission presented the possibility to obtain Community funding for the exchange of officials (6 months maximum). The total amount available for this action is 150,000 € and the Commission will be able to contribute up to 50%, in exceptional cases up to 70%, for travel and subsistence costs – with a maximum of 10,000 € per exchange. As with other Joint Actions, the beneficiaries can be public bodies or non-profit-making bodies designated through a transparent procedure by the Member State or the competent authority concerned, and agreed by the Commission. The Commission will circulate complete information on this shortly and invited Member States to transmit it to all competent national authorities.

***International issues***

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**19. Debriefing of ICPSHO/ICPSC conferences in Orlando on 26 February to 1 March 2007 and Beijing on 21 to 22 May 2007 and bilateral meetings in May 2007 between DG SANCO and Chinese, US and Japanese product safety authorities**

The Commission gave short presentations

- on the ICPHSO conference and ICPSC meeting which took place in Orlando on 26 February to 1 March,
- on the conference co-organised by ICPHSO and the Chinese authorities on 21-22 May in Beijing with the theme "Consumer Product Safety, Our Common Responsibility!". This was the first international consumer safety event organised in China and on the initiative of the Chinese authorities.

The next meeting of ICPSC is scheduled to take place in Istanbul on 26 and 27 November 2007

### ***Miscellaneous***

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#### **20. Status of revision of the New Approach**

The Commission provided a brief status update on the revision of the New Approach and, in particular, of the discussions at the Council Working Group in relation to the Regulation setting out the requirements for accreditation and market surveillance relating to the marketing of products.

The Commission proposal aims at preserving the integrity of the successful market surveillance system established under the GPSD for consumer products and the sound governance mechanisms currently in place to protect the health and safety of European consumers at both national and European level.

The EP Committee on Internal Market and Consumer Protection has also provided the Commission and the Member States with its first draft report that the Commission has to analyse carefully.

The Commission reiterated the rationale behind its proposal and invited the members of the Committee to give it due consideration and to follow closely the legislative process taking place in the Council and the Parliament.

A number of Delegations expressed their wish to maintain the status quo and their support for the Commission proposal.

#### **21. Participation of candidate countries in the GPSD Committee and other meetings**

All Member States agreed to the Commission proposal to invite, as observers, representatives from Turkey and Croatia from the next GPSD Committee.

#### **22. Safety of services – state of play**

The Commission provided a brief update on the state of play concerning the safety of services, including the aspect of data collection in terms of accidents and injuries.

#### **23. List of calendar event 2007**

The Commission presented the list of calendar event for 2007 which will be provided via Circa to the Members States.

A Consumer Safety Working Party meeting (focusing on services safety) is planned for November 2007.

**24. Completion of information on GPSD national transposition**

See agenda item (5).

**25. Any other business**

The EMARS project representative presented briefly the possibility of using the Rapid Alert Forum.

ES presented the issue of electrical appliances which could be considered very attractive and dangerous for children. Member States are invited to give their views on this issue.

The Commission informed the Committee that CIRCA will be used for the distribution of all documents for the Committee. The Commission invited all Member States to subscribe for this application.

The Commission proposed as a tentative date for the next Committee meeting 29-30 November 2007.