



Brussels, 12 November 2007

DRAFT MINUTES
CONSUMER SAFETY WORKING PARTY MEETING
6 NOVEMBER 2007

1. ADOPTION OF THE AGENDA

The Chair took the floor to announce that point under 2 B) would be presented by the Commission, due to a last-minute cancellation of attendance by ESTAT.

The agenda was unanimously adopted.

2. KNOWLEDGE BASE FOR PRODUCTS AND SERVICES SAFETY

2A. IMPROVEMENT OF THE INJURY DATA BASE (IDB)

Mr Robert Bauer (KfV: Austrian Road Safety Board) gave a presentation on the European Injury Database (IDB). IDB is a web database for home and leisure accidents, to which 12 Member States are participating. Its purpose is to develop an evidence based response to public health and consumer safety issues. EuroSafe, the European Association for Injury Prevention and Safety Promotion runs projects in which the IDB project is embedded.

Mr Bauer used an example of IDB data collection in France. He also presented IDB "Flash Studies" (Choking, Hockey) and explained EuroSafe / IDB EU Projects.

Mr Bauer highlighted the need to bring the IDB Alert System to a European level. He also presented the Product and Safety Module objectives:

- The development of a prospective methodology for the use of in-depth questionnaires for selected consumer products and services within the regular IDB data collection.
- A feasibility study for improving the products and services dimension in a sustainable way in the IDB.
- Gathering additional information on injuries that occur to consumers who use a range of products or services (during Autumn 2007 – Spring 2008).

Identification procedure of product and service relevant cases will be put in place based on the French EASI pilot - as a "real time" IDB knowledge base on safety of products and services.

IDB participation is still weak and more information is needed for its development.

The Commission mentioned the costs in relation to the development of IDB.

In order to inform the "non IDB Countries" about this potential and the IDB utility for national injury prevention and consumer safety, R. Bauer informed about an "IDB Promotion Session" for national stakeholders being offered throughout the EU. The "IDB Promotion Session" can also take place in active IDB countries to strengthen the existing implementations. R. Bauer thus welcomed any national request for "IDB Promotion Session"

Sweden expressed its favour to an enlarged IDB.

2B. COMMISSION PROPOSAL FOR A REGULATION ON COMMUNITY STATISTICS ON PUBLIC HEALTH AND HEALTH AND SAFETY AT WORK

The Commission gave a brief description of ESTAT and presented the state of play concerning the proposal for a Regulation of the EP and Council on Community statistics on health and health and safety at work. The proposal has already received favourable opinion from EP (draft report should be adopted in November plenary) and ECOSOC; Some reluctances are however present at Council level as regards the Commission proposal. If the proposal is adopted, considering the length of the co-decision procedure, one cannot expect first data to be available before 2011-2012.

A legal framework would allow comparability. Once adopted the Framework Regulation could allow for further Commission Implementing Regulations to be adopted on various domains. Accidents and injuries, including those related to consumer safety are part of the Regulation and the foreseen time-frame would allow the consumer safety community to try and shape the way delivery by the MS on this will be structured.

The Commission stressed the obligation of MS input for the collection of data and proposed to have this item on the agenda of a future GPSD Committee Meeting.

Sweden stressed the importance and the urgent need for data to be collected.

2C. WEB PORTAL ON EXISTING DATA COLLECTION SYSTEMS FOR INJURY AND ACCIDENTS DUE TO PRODUCTS AND/OR SERVICES

The Commission gave a presentation on a newly developed IPM (inter-active policy making) questionnaire that should lead the way to a web portal (managed by DG SANCO). This web portal would allow direct access to existing data collection systems concerning accidents and injuries due to products and/or services in Europe. The Commission suggested having the questionnaire on line from December 2007 to March 2008, with an analysis of the results in April 2008 and an active web portal on line in Spring 2008.

The Commission invited the MS for input and any other comments on the questionnaire by 23 November 2007, allowing for the above timeframe to be implemented.

3. SAFETY OF CONSUMER SERVICES

3A. STATE OF PLAY AT NATIONAL LEVEL

The Chair offered the floor for presentations by Portugal and Finland.

Portugal

Portugal explained the background on the legal system applicable to consumer protection that also covers services and which also forms part of the country's constitution. The safety of services was also included during the transposition of the GPSD. The establishment, powers and composition of the "Services and Goods Safety Commission" were presented.

Finland

Finland gave a presentation on the legislation of the safety and scope of consumer services. Finland also presented the guidelines of the Finnish Consumer Agency and the authority and composition of the "General Product Safety Surveillance Authorities".

To a question from ANEC, on how guidelines are set, in terms of priorities, Finland responded that the focus is based in terms of basic risk evaluation. The legislation tries to keep up with new types of services.

UK enquired on the experiencing of difficulties in assessing services and safety of products. Finland responded that at the moment guidelines do not cover all areas.

Norway commented on the legislation in Norway and the implementation of the GPSD. A particular feature of the Finnish regulatory framework for services safety is represented by guidelines, which serve as reference for the interpretation and implementation of the law, which is otherwise drafted in general terms. These guidelines, formally, have no binding force, however they are "de facto" authoritative reference documents, used to understand and apply the essence and the scope of the law. This has now been recognized by a Finnish court ruling.

The Finnish Consumer Agency has issued several guidelines for specific areas (safety of swimming pools, carting rings, equestrian services, outdoor leisure and adventure services, information to be provided to consumer for services and products).

The Commission invited all Member States + EEA members to update and complete the table distributed in the context of this meeting concerning the state of play of legislation, self regulation, new developments and any initiatives in the area of safety of services at national level. The Commission stressed the importance in collecting views on the issue of service safety in general and in particular on its added value at European level. The deadline to submit the filled-in table and comments on this issue is the 23 November 2007. The table could then be distributed during the next GPSD Committee meeting scheduled on 29-30 November 2007.

3B. THE ROLE OF STANDARDIZATION IN SERVICE SAFETY

- **Presentation by CEN** (European Committee for Standardization)

Mrs Andreea Gulacsi explained that CEN was recently mandated to look at potential service standards and is presently carrying out feasibility studies (mandate M/371).

Mr Axel Mangelsdorf of the Berlin University of Technology gave a presentation of CHESSE (CEN Horizontal European Service Standardization Strategy) Module 3 "Safety in the delivery of Services", which should give results in April 2008...

- **Presentation by ANEC** (European Association for the Coordination of Consumer Representation in Standardization)

Ms Nina Klemola gave a short introduction about ANEC. She presented the results of a study finalised in April 2007, supporting the call for introducing a horizontal legislative framework covering the safety, quality and liability of services. She gave examples of consumer concerns and reasons for carrying out the study on service standards. Ms Klemola stressed the inadequate coverage of key consumer aspects for service standards and invited the Commission to consider the recommendations by ANEC.

- **Presentation by the ACCOR Group's representative on fire safety in hotels**

Mr Jean-Michel Attlan gave a presentation of the engineering approach on fire safety in hotels and presented an engineering methodology called BTH (Building, Technical Installations, Human).

He stated that the industry had been hoping for more action from the EU in this issue, since the Council Recommendation in 1986 (86/666). In the absence of valid alternatives since then, major international clients tend to adopt US hotel chains corporate standards, which do, however contain certain disadvantages.

ACCOR's approach reflects:

- the promotion of performance based solutions using BTH;
- the promotion of a European alternative to the US hotel fire safety model, using multiple national codes as a strength, not a weakness.

Mr Attlan suggested that the use of simple methodology such as BTH could serve as a possible option for the EU. This would assume performance based solutions are valid alternatives to prescriptive codes in all EU MS. Concluding, Mr Attlan expressed the wish of the industry for a consensus to be found urgently and added that the industry will be waiting for an open discussion on the subject.

UK asked about the Commission's intention in this area of fire safety in hotels and proposed to send some suggestions on this issue. The Commission invited the other MS to also send their views on the issue of fire safety in hotel by the end of 2007.

4A. SAFETY OF SUN-BEDS AND SOLARIUM SERVICES

The Commission presented the current situation, following last year opinion of the Scientific Committee on Consumer Products on the use of sun-beds, i.e.: political agreement on the need to better inform consumers, on the need to amend the EU standards concerning sun-beds, on DG SANCO opinion regarding the applicability of the GPSD to sun-beds used in the premises of solarium service.

Denmark suggested that GPSD should be able to cover all kinds of solarium services (cosmetic, medical and private use) and explained that replacing all sunbeds would however be a problem under Danish legislation.

UK welcomed DG SANCO position but would like to know where the application of GPSD starts and where it ends and enquired on the GPSD covering the use, control, supervision and enforcement in this field. More importantly the UK would like to be sure on where the responsibility lies. The Commission thanked the UK for putting these questions and suggested to include this point of clarification, if possible, on the agenda of the next GPSD Committee Meeting.

Spain explained the situation at national level and stressed the importance of clearer information to be made available.

Austria said that there is lack of information related to the risks involved.

The Commission explained that a unanimous, strong message from the MS is urgently needed.

The Commission gave an update on the results of the questionnaire given to the MS asking for information on laws or guidelines at national level and whether any measures take into account the recommendations of the SCCP (Scientific Committee on Consumer Products) and invited the MS to up-date the questionnaire if still necessary.

5. AOB

No questions and/or comments were raised on the written documents sent beforehand, i.e.: call for tender on safe holidays, joint actions, fairground attractions.

The Commission summarised the actions to be undertaken by the set deadlines both from the Member States and the Commission. It proposed to organise the next meeting of the Consumer Safety Working Party, if possible, in May 2008.

The meeting was closed.

End