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HEALTH & CONSUMER DIRECTORATE-GENERAL

Directorate B - Consumer Affairs
B3 - Product and service safety

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

BRUSSELS – 17 JUNE 2010

Introduction

The meeting was chaired by Mr Stefano Soro, Head of Unit 'Product and Service Safety'.

1. Adoption of the agenda

The draft agenda was adopted with the addition of a new agenda point 7 on "Transmission of downstream RAPEX notifications in English". A copy of the draft agenda is attached (Annex 1).

An attendance list is attached (Annex 2).

2. Adoption of the minutes of the previous meeting

The draft minutes of the meeting of 28.01.10 were adopted. However, the Spanish representative asked for it be recorded that Spain did not support the new translation arrangements at the European Commission for RAPEX notifications which was discussed under Agenda item 13 at the last meeting. The adopted minutes are attached (Annex 3). The Chairman replied that the position of Spain had been made clear also previously and that the Commission had taken note of it.

Implementation and application of the General Product Safety Directive

3. Chemical risks: Distinction between 'serious' risk and 'less-than-serious' risk of nitrosamines

The Commission representative gave an update on progress made since the expert meetings on the calculation of nitrosamine concentrations in cosmetics and balloons, which should make it possible to differentiate between 'serious' and 'less-than-serious' risk (from such nitrosamines). This work started as a result of diverging notified risk levels in RAPEX notifications for nitrosamines in cosmetic products and balloons.

Two expert meetings have taken place, on 22 October 2009 and 27 January 2010. During the second meeting experts agreed upon an additional lifetime cancer incidence of 1×10^{-6} to differentiate between a serious and less-than-serious risk. In the case of

children, an additional safety factor of 3 has to be applied as children are more sensitive. However, experts disagreed on the toxicological parameters to be used in the calculations and three different approaches were proposed to derive a Virtually Safe Dose (VSD).

The experts have suggested submitting a mandate to the Scientific Committee for Consumer Safety (SCCS) to assess which VSD value should be used for calculations and whether the additional safety factor for children proposed by the experts is suitable. The mandate is currently being drafted and will be discussed with the expert group.

4. Polycyclic aromatic hydrocarbons (PAHs) in consumer products: Risk assessment

The German representative updated the committee about the progress that Germany has made on the risk assessment of PAHs.

On 4 June, the German authorities submitted a risk assessment file to the Commission with a request that an "Article 68(2) restriction" under REACH be taken. The German representative thanked all Member States who had contributed by submitting information on PAHs. The file includes information concerning the risks that certain PAHs pose to health. It is proposed to use the "as low as reasonably achievable" (ALARA) principle to determine the maximum limit concentration for PAHs in consumer products.

The German representative asked for the continued support of the Commission and to use its "right of initiative" on the basis of the dossier to come up with a restriction in line with what they have requested.

The Commission representative said he was happy that the dossier was complete but that there was a need for discussion within the Commission services on how to advance with the dossier.

5. GPSD Revision: Presentation of consultation papers and explanation of questionnaires and further action

The Commission representative gave a presentation on the revision of the GPSD and referred to the public consultation which is open until end July. The Commission encouraged Member States to respond to the consultation and urged them to encourage other stakeholders to participate.

The Commission also thanked already the Director-General of DGCCRF in France and the German Federal Government for their support expressed for the review objectives.

The Commission representative explained the main objectives of the revision of the GPSD which concern standardisation procedures, market surveillance cooperation and coordination, and the harmonisation of the safety evaluation of consumer products. The revision also aims to align the market surveillance mechanisms of the GPSD with those of the free movement of goods package and move the Food-Imitating Products Directive under the general product safety regime.

Other on-going actions include the launch of possible studies and, in the second half of 2010, a workshop for stakeholders in the framework of the International Product Safety Week (1 December). An Impact Assessment Report is also to be prepared. A Commission Proposal will then be drafted with a view to its adoption in mid-2011.

The floor was then opened for comments from Member States.

The Swedish representatives referred to the hazard of chemicals in products which is an issue not addressed by the revision of the GPSD, and suggested that this topic be

discussed at the next GPSD meeting to see if it would be possible to find common ground for further action. The Commission representative replied that the GPSD might not be the right instrument for discussing different categories of chemical risks, but suggested that the Swedish representative bring a discussion paper to the Committee.

Italy supported Sweden and agreed that the chemical issue was important. The Italian representative added that they were consulting market surveillance authorities about the revision of the Directive and were hoping to set up a working group to look at various issues during the consultation exercise.

The Irish representative agreed that many issues need to be discussed in relation to the revision of the GPSD.

The French representative asked whether the idea of changing the Directive into a Regulation was still under discussion. The Commission representative replied that this option might be considered by the Commission.

6. Guidance on the application of the GPSD and the market surveillance provisions of Regulation (EC) No 765/2008

The Commission representative gave a short presentation to clarify certain aspects of the Guidelines on the application of the GPSD and Regulation (EC) N° 765/2008. The presentation is available on Circa.

7. Transmission of downstream RAPEX notifications in English

This point was added to the agenda at the request of the German representatives following the discussion which took place during the last GPSD meeting concerning the new RAPEX language regime for RAPEX notifications. The German representative expressed his disappointment with the decision taken by the Commission to translate RAPEX notifications only into English and added that Germany felt that Member States had not had enough time to prepare for the change in procedure. A transitional period would, in his view, have been appropriate.

The German representative was also concerned by the fact that this decision deprived 100 million German-speaking European consumers of the possibility of reading RAPEX notifications in their own language, and he urged the Commission to suspend its decision and engage in a dialogue with the Member States concerned.

The Spanish representative supported Germany's position and commented that the decision has also created extra work for the Spanish authorities. The Spanish representative again reminded the Commission that it had announced its disagreement with the decision at the January GPSD meeting. The French representative also asked for it to be noted that when the change was announced they too had indicated their disagreement.

The Commission representative underlined that RAPEX notifications are not intended for consumers or the general public, but for Member State authorities only. He reminded the Committee that the change, which brings RAPEX in line with the practice of other rapid alert systems, had been communicated to the Member States at previous GPSD and RAPEX contact point meetings. He added that the new arrangements have already brought about a significant improvement in the efficiency of the system since the

processing of notifications is now carried out much more rapidly and Member States are therefore informed about measures concerning dangerous products more rapidly. There are therefore no plans to return to the former translation mechanisms.

The Chairman asked which Member States would support Germany's proposal to revert back to the previous arrangements. No other Member States than ES and FR supported this proposal.

Standardisation

8. Window cords

Mr. Hervé LAMY from the *SNFPESA/Union des Metalliers* updated the Committee on work currently in progress on standardisation of internal window blinds. There have been 2 versions of the standard EN 13120 since 1989. The latest version was adopted in 2009. Work on the revision will formally start on 20 June 2010. The main aim of the latest revision was to extend the scope of the standard to cover all kinds of internal window blinds and to evaluate and specify requirements on safety devices. As a result, a standardisation plan has been drawn up, which includes the development of a test method and safety requirements, which it is hoped will be submitted to CEN in mid-2011.

Although revision of the standard is necessary, Mr. Lamy explained that it may not be sufficient as the standard has certain limitations. For example, it applies only to new products that are put on the market, whereas many blinds were installed several years ago, and there are also problems in educating consumers to use safety devices correctly. Better communication is therefore needed and Member States were asked to submit any ideas they may have to overcome these obstacles.

A discussion followed during which the UK and Ireland representatives outlined actions which have already been taken in their country regarding this issue. Both Member States produced leaflets to explain the possible dangers of these products. In Ireland, market surveillance inspections have also been carried out. While the findings have shown a high level of compliance with certain aspects of the standard, such as, the provision of:

- A warning notice/label on the window blind
- Prescribed wording on the warning notice
- Safety devices incorporated into the design or provided separately
- Instructions for proper installation of safety device,

there was a significant level of non-compliance relating to two aspects that are required under the safety standard, namely the provision of:

- Written installation instructions, and
- Markings on the blinds, which should include the business name and full address of the manufacturer and, where applicable, his authorised representative and the year of construction.

The findings have shown there is a need to improve information about the standard, particularly for smaller businesses, for example those making made-to-measure blinds. As regards the products themselves, industry needs to improve the design and to incorporate safety devices in the product, provide appropriate instructions for the user and train fitters in the correct installation of blinds.

The Commission representative replied that all comments would be taken into consideration when the draft safety requirements are drawn up.

In addition, the Chair announced that DG SANCO has just signed a joint letter, along with the US Consumer Product Safety Commission and Health Canada, which has been sent to their respective standardisation bodies calling for international coordination to rapidly develop better standards for window blind cords. Copies of the letter were distributed in the meeting.

Member States agreed to continue with work on a specific mandate to CEN under the GPSD to cover all types of blinds, including machine-operated blinds. CEN signalled its preference for the work to be carried out in TC 33.

9. Childcare articles: Adoption of safety requirements. Presentation of cluster 3: products for sitting and bouncing

The Commission representative gave an overview of what has been included in Cluster 3, the main risks and requirements.

10. Ongoing mandates (child care articles, clusters 1 and 2, child-resistant window locks)

The Commission representative gave an update on ongoing mandates for bathing assistance products and window locks.

A mandate on bathing assistance products was issued last month and the decision of the Technical Board is expected by end-August. Member States were reminded to approach their national standardisation bodies to ask them to support the mandate when it comes under discussion.

The Commission representative informed the Committee that a standard for these articles has just been published in the United States. The standard enforces test methods, and warnings on the products have been made stronger.

A mandate on child-resistant window locks has also been sent to CEN. The decision of the Technical Board is expected by 20 July.

11. Floating leisure articles

The Commission representative gave an update on the issue of floating leisure articles. The Commission decision and mandate sent to CEN excludes products falling under the Toy Safety Directive. However, some of the standards developed by CEN in the EN 15649 series (namely EN 15469-3) contain clauses affecting products that are clearly toys (ride-on aquatic toys). Some economic operators have therefore complained about this overlap, which would virtually make all ride-on aquatic toys subject to EN 15649 in addition to EN 71.

Some modern, aquatic ride-on toys have become bigger, hence more subject to capsizing and wind drift, and therefore the requirements in EN 71 are not sufficient anymore. However it is necessary that these risks are dealt with within the appropriate legal and standardisation frameworks, which are the Toys Safety Directive and standard EN 71. The Commission has met with the CEN Technical Committee and has decided that the standard will be revised to remove those articles which could be considered as toys, although the Commission will issue a mandate so that these requirements will be incorporated in EN 71 to ensure that ride-on toys are made safer.

12. Personal music players

Mr. Jos Remy, the convenor of CENELEC Technical Committee 108X Working Group 3, gave a presentation on the mandated work being carried out by CENELEC on personal music players.

The working group decided to work in three different phases and good progress is being made with the first phase which is developing requirements based on dBA levels.

A proposal for amendments to the existing standards was sent to the national committees for comments last year. Based on the comments received, a new proposal has been prepared and is currently being discussed by the working group members. It is hoped that, following a formal vote, the amendments to the standards will be approved by the end of 2010.

The next step will be to review the measuring method and to develop requirements based on the measurement of dose.

13. RIP cigarettes

The Finnish representative informed the Committee of the entry into force of their national legislation on RIP cigarettes. Since April 2010, all cigarettes sold on the Finnish market must comply with the safety requirements of RIP cigarettes and manufacturers or importers of tobacco products should submit documents once per year to the Supervisory Authority indicating the compliance of fire safety requirements. The Finnish representative reported that according to early statistics, there has been a provisional reduction in the number of fires caused by cigarettes of 30% since March 2010.

CEN informed the Committee that voting procedures on the EN standard would be launched that same day. Industry has participated in the drafting of the standard.

The Chair noted that industry had considerable time to prepare for the future EN standard, and that they did not signal insurmountable problems. Should unjustified slippages occur, a measure according to Article 13 of the GPSD could be considered.

14. Ethanol Stoves

The Danish representative presented the latest status of their project to develop specific safety requirements for ethanol stoves, with the aim to give a standardisation mandate to CEN.

A study of the safety requirements for open stoves or fireplaces using alcohol fuels has been prepared with contributions from DE, DK, FI, FR, NO and SV . The report, which is available on Circa, lists the essential safety requirements. Member States supported the work so far carried out and the Danish representative asked for the Commission to issue a standardisation mandate.

The Commission representative confirmed that the Commission could now move towards drafting specific safety requirements.

15. International activities:

United States : The Commission representative gave an update on the negotiations with the US. A paper is expected from the US in the summer. The US has already signalled its willingness to carry out joint recalls with Member States.

Canada: joint negotiations on a Comprehensive Economic and Trade Agreement are underway and would include a consumer product safety article.

OECD : The Commission representative informed the Committee that there will be a dedicated Working Party on Product Safety. The first meeting will be announced once the working party is formally adopted. The Commission is going to volunteer, and Member States are also welcome to volunteer to participate in the steering group.

Trilateral summit EU-US-China : The next trilateral summit will take place on 25 October in Shanghai. There will be a high-level meeting with Commissioner Dalli, ACSIQ and the US. Canada and the European Parliament will participate as Observers. Member States may be invited to assist in other parts of the summit, as well as the Consumer & Product Safety Conference taking place on 26 October. Participation would be limited to 1 representative per Member State. Member States themselves are to designate a representative to join the EU delegation.

International Product Safety Week 2010 : Information will be provided on a designated webpage on DG SANCO's website at :

http://ec.europa.eu/consumers/events/international_product_safety_week_en.htm

There will be a series of events held at the CCAB in Brussels from 1-3 December 2010;

- a Stakeholder conference on the review of the GPSD (on 1/12);
- a meeting of the International Consumer Product Safety Caucus (ICPSC) (on 2/12); and
- an international risk assessment seminar of EMARS II (on 3/12).

Linked to these events, ICPHSO, the International Consumer Product Health and Safety Organisation is organising a Symposium on International Cooperation on Product Safety from 29 to 30 November 2010 in London. The Commission will transmit any invitations sent by ICPHSO.

16. Member States' international activities: Dutch activities with China

The representative from the Netherlands gave a brief update on cooperation with their counterparts in China, i.e. ACSIQ.

In the Netherlands, a large percentage of imported consumer goods originate from China. Therefore, the authorities in the Netherlands have initiated a China project to improve the safety of such products. The project started in 2008 with desk research, interviews and study visits. The project resulted in a 2-pronged strategy:

- Governmental actions – aligning import & export control systems
- Business actions – to educate NL importers & Chinese exporters.

Further cooperation with the Chinese government will initially focus on exchanges of inspectors, training of laboratory personnel and a pilot joint enforcement action.

Regarding the second part, an e-learning training tool has been developed, which will be launched after the summer (in NL & EN); the link will be sent to members of the GPSD Committee.

The Commission representative asked Member States who have similar cooperation with AQSIQ to inform the Committee Members in order to avoid any overlap of activities.

Miscellaneous

17. Enforcement Indicators: past results and new questionnaire for the 2010 exercise

The 3rd edition of the Consumer Markets Scoreboard was distributed to participants in the meeting. The Commission representative then gave an overview of work so far carried out. Data collection in 2009 has produced more reliable results than before but there is still place for improvement. The third phase of the project will be launched in the coming months, focussing on comparability of data with a view to developing trends. The structure of the questionnaire will be the same as the one issued in 2009.

Member States were reminded that some indicators will be useful for the impact assessment of the revision of the GPSD, so their input is therefore very valuable.

Member States may submit comments on the indicators by end-August. Data collection will probably start in September. Member States were also asked for their opinion on dissemination of the data collected.

18. Status of study on "future of market surveillance"

The Commission representative gave a brief update of the study on the future of market surveillance, which was mentioned at the last meeting of the GPSD. A questionnaire has been developed for the purpose of providing information on how Member States undertake market surveillance. The study has suffered some delays due to the parallel launch of the public consultation regarding the GPSD revision and so it is now not likely to be launched before October. The contractor will contact certain Member States at that time to arrange interviews.

The next meeting of the GPSD Committee is scheduled to take place on 14 October 2010.

ANNEX 1: Draft Agenda

ANNEX 2: Attendance List

ANNEX 3: Adopted Minutes of Meeting of 28 January 2010