



EUROPEAN COMMISSION
HEALTH & CONSUMER DIRECTORATE-GENERAL

Directorate B - Consumer Affairs
B3 - Product and service safety

Annex 3

Brussels,
SANCO/B3/DMO/

SUMMARY RECORD OF THE MEETING OF THE CONSUMER SAFETY NETWORK (CSN)

BRUSSELS –27 MAY 2011

The meeting was chaired by Mr Stefano Soro, Head of the 'Product and Service Safety' Unit. The Chair welcomed participants and informed CSN Members that, in accordance with the revised Framework Agreement on relations between the European Parliament and the European Commission, the European Parliament would in future be invited to attend meetings of the CSN and receive copies of supporting documentation sent to participants.

1. Adoption of the agenda

The draft agenda was adopted. At the request of Malta and Finland, an additional point on RIP cigarettes was added under "AOB". The adopted agenda is attached as Annex 1.

The attendance list is attached as Annex 2.

2. Adoption of the minutes of the previous meeting

The draft summary record of the meeting of 10.02.2011 was adopted without change. The adopted minutes are attached as Annex 3.

Standardisation

3. Forthcoming draft decisions and mandates

Candles

The Chair informed Members that, due to a review in the procedure concerning a number of standards established in the past under the GPSD without a prior mandate to CEN/CENELEC, the Decision on the referencing of the standard on candles will be delayed. The Commission will now package in one single Decision a number of standards that have already been established without a mandate.

Bicycle trailers

The draft safety requirements for bicycle trailers that have been sent to Member States for comment are based on discussions which took place with Members of the GPSD Committee in 2005. CEN has drafted a European standard and the text has been submitted to CEN members for formal vote. However, the standard does not cover single wheel trailers as there is no test method available. Also outside the scope of the standard are trailers that can be converted into childcare articles such as strollers. Member States are invited to comment on the draft safety requirements and submit their views on the products that are excluded from the standard.

ANEC submitted comments before the meeting, proposing that there should be requirements for reflectors on trailers and requested that the phrase "as well" be added to paragraph 4 of the foreword in order to clarify that both EN 1888 and the draft standard EN 15918 shall apply in the case of convertible cycle trailers.

4. Draft Decision on Cluster 3 – Childcare articles used for seating or bouncing children

A Commission representative reminded Member States of the study carried out by a French testing laboratory that identified 20 childcare items to be considered by the Commission for inclusion in a mandate to develop safety requirements. These 20 items were divided into clusters. Cluster 3 covers 5 childcare articles used by children when sitting or bouncing – high chairs, booster seats, chair-mounted seats, children's chairs and baby-bouncers – but certain aspects of these items are not covered by the standard (for example, suspension systems). The Commission is therefore in the process of drafting safety requirements which will shortly be sent to Member States for comment.

The representative from CEN then provided an update on ongoing work in this field. As regards high-chairs, two amendments to the current standard are currently being finalised. The Technical Committee is aware of the French study and it will be taken into consideration in their work. In the case of booster and chair-mounted seats, there is just one standard, which will be submitted for a second enquiry between mid-June and mid-September this year. Member State representatives are also invited to submit comments on this. As regards children's chairs, the relevant Technical Committee has just started work on the relevant standard. There is no activity for the moment in respect to baby-bouncers.

5. Childcare articles

A representative from IISG (Istituto Italiano Sicurezza dei Giocattoli) provided an update on their ongoing work contracted by the Commission on childcare articles. The institute's work covers many different areas such as textile safety, chemical safety, flammability, etc. and it actively participates in many working groups, such as the CEN working groups on toy safety, childcare articles and high-chairs.

The project on childcare articles aims to continue the work started by LNE, to carry out risk assessments and draft the main safety requirements for 11 products selected by LNE and to provide information that would allow the Commission to prepare a mandate for a new standard. The 11 products selected are highlighted in the presentation given by IISG, available on *Circa*.

The representative outlined the working method used by the IISG, which is based on the identification of cases reported in incident databases, the identification of existing standards and legislation and the identification of similar products placed on the market. Based on this information, a risk assessment and draft safety requirements will be prepared. The risk assessment, which is mainly based on ISO/IEC Guide 81 and the Commission guidelines, looks at different kinds of hazards - chemical, mechanical, flammability, radiation, wear and tear, etc. Information provided to the consumer is also considered to ensure that the products may be correctly used.

Work on the project started at the end of 2010 and will last until end September 2011. Interim reports will be shared with the Commission in order to receive the comments of experts and stakeholders. Draft safety requirements will also be circulated for comments before the preparation and submission of the draft Final Report.

6. Portable and fixed football goals

The issue of portable and fixed goal posts was first raised by ANEC at the GPSD meeting in February as there have been reports of accidents caused by goals collapsing during leisure activities. As there is no European standard for these products, ANEC collected accident statistics and approached CEN in 2008 to develop a standard. ANEC is involved in the work but does not agree that children under 3 years of age should be excluded from the scope of the standard. The representative from ANEC therefore circulated a paper to Member State representatives for comment, to stress their opinion that Article 2 b iv) of the GPSD has not been correctly interpreted and that the standard should be written to cover all ages.

The Chair announced that the Commission would attend a stakeholder meeting on this issue organised by CEN. The Commission (DG SANCO and DG ENTR) is also writing to CEN to state that both Technical Committees 136 (sports, playground and other recreational equipment) and 52 (toy safety) should work together on the standard.

Specific Products & Risks

7. CO (carbon monoxide) detectors

The representative from Belgium presented the results of a recent market surveillance campaign on CO detectors. Testing took place at the end of 2009 based on standard EN 50291: 2001. 11 samples were examined, all battery-powered apparatus. The campaign was in two parts: verification of marking and labelling, and technical testing. The performance of the CO detectors was tested at different concentration levels and different temperatures and their response to a combination of CO and other gases was also examined.

Subsequent measures taken by the Belgian authorities were based on the risk level of the non-compliance, using the RAPEX risk assessment guidelines.

The Belgian authorities concluded that there had been an improvement since their last market surveillance campaign in 2006.

A detailed report will be published on the website of the Belgian authorities: <http://economie.fgov.be>.

8. Fire blankets

The representative from Belgium presented the results of their market surveillance campaign on fire blankets. Fire blankets were tested for compliance with standard EN 1869:1997 as regards construction, fire performance and marking.

In 2009, 15 samples were taken at random from the Belgian market and, as regards fire performance, the results led to 9 RAPEX notifications. Seven manufacturers challenged the results of the findings so a third expertise had to be organised for 5 fire blankets in the presence of all parties. It confirmed the original test results but this situation showed there were differences in the interpretation of the test method in the standard regarding the positioning of the fire blanket and the wearing of personal protective equipment during testing.

The results of the campaign showed that only 13% of those tested were fully compliant. It also led to the conclusion that the test method (annex C) of the standard is too vague. The Belgian authorities have therefore informed their national standardisation organisation about the problems encountered and requested a revision of the standard. A copy of the presentation and the final report are available on *Circa*.

9. Sky lanterns

A Commission representative reminded participants of the background to the issue and presented the feedback received from Member States concerning national measures and reported incidents. In an effort to find a solution to the problem, the Commission representative put forward the following 3 options:

- Member States adopt measures under the provisions of the GPSD on a case by case basis,
- Development of a specific standard
- Adoption of a decision based on Article 13 of the GPSD

The floor was then opened for discussion.

The representative from the Netherlands referred to their previous presentations on this matter. He recommended that a risk analysis be carried out with a view to drafting a standard. Some importers in the Netherlands are already working on improving the safety of these products and the Netherlands expressed its willingness to take the lead in drafting the safety requirements with a view to developing a standard. The representative asked if other Member States would be interested in participating.

The Austrian representative stated that from a risk management perspective, the best solution would be a ban and therefore Austria would be in favour of a decision based on Article 13 of the GPSD. The Finnish representative supported Austria and expressed doubts that the safety of these products could be improved. The Spanish representative agreed and added that it would be difficult to regulate this type of product without risk and therefore a ban would seem to be the only option.

The representative from the Netherlands stated that it would be difficult for them to vote on a decision based on Article 13 of the GPSD at this stage and proposed that more formal research be carried out by a working group.

The representative from CEN stated that CEN members had not yet been consulted about preparing a standard but she was sceptical that the relevant expertise could be found since these products are mainly produced outside the EU. However, she offered to ask CEN members what could be done in this area.

The Chair welcomed this proposal and thanked the Netherlands for offering to lead the work for the collection of further data on this issue. The Commission will contribute and other Member States, in particular Austria, are encouraged to participate.

10. PAHs in car tyres used in playgrounds

A questionnaire prepared by the Belgian authorities was published on *Circa* prior to the meeting requesting the views of Member States on the safety and health risks associated with the use of tyres in playgrounds. The Belgian representative thanked the Member States who have already contributed and invited participants to continue submitting information. The Belgian authorities will present the results of their findings at the end of the year/beginning 2012.

11. Children's jewellery

The representative from Austria presented the results of a study carried out by the Austrian Consumer Association (VKI) to detect lead in children's jewellery. 25 samples were taken at random in Vienna and analysed for lead. The jewellery concerned was made of metal and low-cost. The study found that this kind of jewellery contained a very high level of lead.

The representative then outlined the risks associated with lead and reported that there had been a fatal accident reported in the US where lead had been ingested by a consumer.

There is currently no ban or limit set for lead in these products in Europe. Children's jewellery is not covered by the Toys Directive and therefore the GPSD applies in the absence of REACH provisions covering lead. The Austrian representative reported that a REACH dossier on lead, submitted by France, is in progress but discussions may take some time. In the meantime, the GPSD applies and risks have to be proved on a case by case basis, which is difficult in the case of coated jewellery. The Austrian representative stated that there is also concern that the REACH dossier could result in migration limits, which are very difficult to enforce. He added that the analysis of migration is more expensive compared with the analysis of the content of a product and there is no migration when a product is coated or new. The Austrian representative therefore urged other Member States to ask REACH to look into the "content" rather than "migration" of lead as otherwise enforcement of limits will be difficult.

The Chair informed the meeting that the REACH dossier was progressing well. A restriction on lead in children's jewellery could be adopted by the end of the year. The opinion of ECHA's Risk Assessment Committee of 10 March provided for a lead migration limit as well as a lead content limit.

12. Chemical removal of tattoos

The representative from Italy gave a short presentation on the risks of tattoo removal. When chemical substances are used for this purpose, inflammation is induced to remove the pigment of the tattoo but this gives rise to further health problems. A Resolution in

2008 identified the criteria for the monitoring of the substances used and the professional qualifications of the person carrying out the procedure. But there is a need to reassess the issue as there is no clear regulation for this kind of procedure. These substances are not applied to the skin, they are injected. So although they are used for cosmetic purposes they are not considered as cosmetic products. The Italian authorities would like to gather information and experiences from other Member States on this issue.

The Chair stated that there is scope for notifying such products under RAPEX as there are serious risks involved. Further guidance could perhaps be obtained from the Scientific Committee but he encouraged Member States to consider the matter further and submit contributions based on experience.

13. Water walking balls

A representative from Finland gave a short presentation on water walking balls. There are multiple problems associated with these products, including suffocation and drowning. The Finnish authorities had recently received an enquiry from a potential importer who, after discussions about the risks, decided not to bring the product into Finland, but the Finnish authorities are interested to know if other Member States have any experience of these products and to know their views on this issue.

The representative from Greece reported that these products were banned in Greece last year.

The Chair urged Member States to notify such products through RAPEX if they are found on the market and concluded to be dangerous.

Market Surveillance

14. a) Market Surveillance and Border controls

A representative from the Netherlands gave a presentation on the strengthening of market surveillance and border controls, which he pointed out was a mutual theme of the revision of the GPSD and the implementation of Regulation 765/2008. Investing in proactive market surveillance and border controls requires funding and in order to achieve greater efficiency, for example through increased cooperation and the combining of resources and knowledge, further funding is also required. This, he added, is a problem at a time when Member States and the Commission face severe financial and resource cut-backs.

The representative from the Netherlands proposed that one solution to the problem of funding could be to apply fees and he suggested that importers could be charged mandatory and uniform fees to finance border controls, such as the taking of samples, testing of samples, transport etc. He added that importers who demonstrate a high-level of compliance could be exempt from such fees. Such action would help to prevent unsafe products from being placed on the EU market, which he stressed is far more efficient than tracking down unsafe products already available on the EU market.

The Dutch representative did not foresee any legal barriers to this proposal and proposed the introduction of a legal base for mandatory import controls and fees in Regulation 765 in the frame work of the GPSD revision.

The Chair presented a position representing the views of various Commission services (DGs ENTR, SANCO and TAXUD). In particular, on the subject of fees, it was felt that the Dutch proposal would discriminate between products made in the EU and those imported from third countries. Imposing fees (testing fees in particular) on importers or manufacturers of non-compliant products is a decision that would need to be taken at national level, and in fact several Member States already apply such measures.

A representative from Germany supported the proposal from the Netherlands and explained that in Germany there was a slightly different attitude towards importers – they are free to import unless they are found to be non-compliant, after which compulsory checks are then imposed. The representative from France added that it would be useful to know the practices applied by other Member States. The Chair replied that informally a table of national provisions of EU Member States would be published on *Circa* for completion and correction by Member States.

14 b) Non-food Reference laboratories in the EU

A representative from the Netherlands gave a short presentation regarding the lack of non-food reference laboratories in the EU.

National or Community reference laboratories are appointed for the testing of food, feed, drugs, nuclear materials, chemicals, etc., but there are no laboratories for non-food products. Notified bodies have an extensive knowledge, but they need to be paid for participation in standard development and sometimes there can be conflicts of interest which prevent them from acting as a market surveillance laboratory. In addition, there are often disputes between notified bodies and enforcement organisations about product testing and risk classification. The representative therefore suggested that in future, it might be useful to have an EU network of specialised, non-food market surveillance laboratories.

The representative from the Netherlands proposed two preconditions to establish such a network. Firstly, the laboratories should be listed in a legal framework such as the revised GPSD and, secondly, funding should be (partly) covered by the EU and Member States. He invited Member States to present their views on this issue.

The Chair informed participants that the idea of an EU network of laboratories has been considered by the Commission for many years and was part of the public consultation for the revision of the GPSD. Although it did not receive unanimous support, it will be included in the impact assessment.

He added that the NLF Regulation sets out the possibility of financing such activities. However, colleagues have expressed concerns that the creation of an EU network of laboratories could give rise to discrimination against other laboratories and it could be difficult for the laboratories to be specialised in all areas.

The representative from Denmark raised doubts concerning the creation of a network of EU laboratories. However, the representative from Malta, referring to the earlier points on testing of fire blankets and testing of lead jewellery, outlined the benefits of sharing resources between Member States to allow more tests to be carried out and to reduce costs.

15. RIP cigarettes

Finland reported positive results since the implementation of legislation on RIP cigarettes in Finland in April 2010. The average number of cigarette fire deaths declined by 43% compared to the 2007-2009 period. The overall rate of fire deaths has also been reduced by 20% due to the introduction of RIP cigarettes. These are the first results and further analysis will be made in the coming years.

The Chair reminded Member States that, whatever representations the industry might be making to the authorities, the enforcement of the RIP cigarettes standard should start on 17 November 2011, after which date all cigarettes made available to consumers should comply with the fire safety requirement.

16. Date of the next CSN meeting

The tentative date of the next CSN meeting is 14 October. Final confirmation will follow at the end of August.

Annex 1: Adopted agenda

Annex 2: Attendance list

Annex 3: Adopted minutes of the meeting of 15.10.10