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HEALTH & CONSUMER DIRECTORATE-GENERAL

Revised version

Directorate B - Consumer Affairs
B3 - Product and service safety

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

BRUSSELS – 14 OCTOBER 2011

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

1. Adoption of the agenda

The Chair informed Members of the CSN that Agenda Point 5 has been postponed. The draft agenda was then adopted. A copy 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 27 May 2011 was adopted without change. The adopted minutes are attached as Annex 3.

Standardisation

3. Study on childcare articles

The representative from the Commission gave an update on the study on childcare articles carried out by the contractor (IISG) who had attended the meeting of the CSN in May. An interim report was shared with Member States and observers in June and their comments were fed back to the contractor, who then submitted a draft final report in September. This report was also communicated to Member States and observers before the Commission held a meeting with IISG on 16 September. The contractor will take account of the latest comments made by Member States, ANEC, CEN and the Commission before submitting the final report in late October. The Commission will then initiate a discussion to decide for which products draft safety requirements will be prepared in order to proceed with a mandate.

4. Bicycle trailers

A Commission representative reminded Members of the draft safety requirements for bicycle trailers which were submitted to Member States for comment prior to the May meeting. In particular, Member States were asked to give their views on the inclusion of one-wheeled trailers in the standard since these are currently excluded in the absence of a test method. The Commission informed Members that there had been no reaction from Member States since the May meeting and so a final request for comments was issued to allow the Commission to proceed with the final draft of the safety requirements. A representative from Denmark drew the Commission's attention to the fact that they had submitted comments after the previous meeting and offered to resend the information.

5. Childcare articles used for seating or bouncing

This agenda item was postponed as booster seats are also part of the international pilot alignment initiative and there is a need to first clarify certain terminology issues. However, the Chair announced that work in this area is progressing well and Member States will be kept informed of progress.

Specific Products & Risks

6. Nappy Bags

In the light of several fatal accidents, in particular in the UK, ANEC presented its concerns about nappy bags/sacks. These bags are cheap to buy, have no ventilation holes, are lightweight and, when extracted from the packaging, are individual rather than attached on a roll.

ANEC was alerted to the dangers of nappy bags by colleagues in the UK who reported that over the past 5-6 years, at least 11 babies have suffocated - all in similar circumstances. In all cases, the bags were stored in the baby's bedroom within reach of the baby.

ANEC calls for action by the EU to find technical solutions and to raise awareness amongst consumers. Technical solutions proposed by ANEC include putting a notice on the product or box to warn against storing in the bedroom, making the bags out of thicker material and keeping the bags together on a roll rather than packing them individually. ANEC has already approached CEN to ask the relevant Technical Committee to include nappy bags in the scope of its technical report on "Packaging – Safety Guidelines for Flexible Plastic Packaging to Minimise the Risk of Suffocation to Children", but the request was not accepted by CEN due to time constraints. Therefore ANEC would like to ask the Commission to issue a mandate to CEN to write a European standard for these products.

As regards awareness-raising, the representative from ANEC showed a short video highlighting the awareness-raising campaign in the UK, and asked Members if they were aware of any similar campaigns in other Member States. Member States were also asked for their opinion on taking action. No Member States were opposed to the idea. The representative from Denmark raised concerns about making the bags thicker, however, as he felt this would not be acceptable at a time when many environmental organisations are trying to abolish plastic bags.

The representative from the Netherlands volunteered to look further into the issue and offered to ask industry if there might be other (perhaps organic) materials available for this purpose. The representative from the UK also signalled the UK's interest in contributing to a paper on the subject.

In conclusion, the Chair stated that the Commission, together with representatives from NL, UK, ANEC and CEN, would aim to present a paper with a statement and possible solutions at the February meeting of the CSN.

7. Counterfeit child-restraint systems (CRS) in car child-seats

ANEC presented an overview of the situation concerning child-restraint systems (CRS) in car seats. If genuine, CRS can cut mortality rates by 75%, and serious injuries by 67%. However, the situation is very different for counterfeit articles.

During the past two years, ANEC has also been made aware of several cases of CRS in Europe which are fitted with falsified approval marks. The problem is three-fold:

- confidence in the genuine brand is being undermined;
- European standards and approval marks are being counterfeited, leading to a state of low consumer confidence in our quality and safety systems; and
- the risk of fatalities and serious injuries is rising because counterfeit car seats are being fitted with buckles that are not suitable for their size (e.g. a group 0+ buckle (0-13 kg) is being fitted to a group I/II/III seat (9-36 kg)).

The problem was brought to the attention of the GRSP (a working party on passive safety), which agreed to inform the World Forum on Harmonisation of Vehicle Regulations (WP 29) at its June 2010 session. WP 29 expressed its concern but stated that it could take no action in this matter as it falls within the competence of the national competent authorities. These were encouraged to deal with the issue in an internationally cooperative way. Further action has been taken at the UN-ECE level. The DETA (Database for the Exchange of Type Approvals) working group is developing an electronic database for the exchange of type approval information. This will allow type approval authorities in different Member States to exchange (confidential) information on type approvals.

Following a notification from ANEC, the European Commission also brought the issue of counterfeit CRS to the attention of Member States who, in case they detect a counterfeit CRS, are expected to take appropriate action at national level and alert other Member States through the RAPEX system. However, ANEC underlined that further action is needed and called for increased market surveillance to prevent these counterfeit articles from spreading any further on the European market.

The Chair noted that this was an enforcement issue, not a regulatory one (regulatory issues in this case would be dealt with by the motor vehicles unit of DG ENTR). The Chair invited Member States to share their experiences.

The representative from Austria suggested that DG TAXUD could liaise with customs authorities on this issue. The Chair agreed that these counterfeit articles were almost certainly imports and that awareness should be raised. The presentation will be sent to DG TAXUD.

8. Sky lanterns

At the last meeting of the CSN, the representatives from the Netherlands and Austria offered to look further into the issue of sky lanterns. The representative from the Netherlands therefore presented the current state of play.

In the Netherlands, the number of importers is limited and it appears that interest in the product is decreasing. There are two regulations in the Netherlands which cover sky lanterns: the Commodities Law on General Product Safety and a Regulation on kites and small unmanned balloons.

Risk assessments have been carried out using the new RAPEX assessment model as provided in the RAPEX guidelines. A copy of the presentation providing details of risk assessment scenarios carried out in the Netherlands is available on CIRCA.

After meetings with the importers in 2008, a risk management decision was taken to ban sales of the old type of sky lanterns in the Netherlands. However, following innovation by importers in 2010, a new design of lantern has been on the market since the end of 2010 which takes into account certain safety requirements and other aspects to reduce risks. These include warnings against use during unfavourable weather conditions and a reduction in the flammability of the lantern.

The representative from the Netherlands produced an example of a lantern at the meeting and pointed out a device to create distance between the burner and flammable material. A video-recording was also shown to demonstrate flammability.

As the risk scenarios carried out in the Netherlands concluded that the new product presented a low risk, the Netherlands discussed further with Austria to consider the options available - i.e. should the lantern be allowed on the market under certain conditions (the NL approach), or should a full sales ban be adopted? The two Member States also discussed risk estimation and considered whether seasonal influences and different landscapes could lead to a difference in risk management between Member States, or whether a Commission Decision would be more appropriate.

The representative from the Netherlands concluded that they have not been able to produce one common proposal and so Members of the CSN should therefore decide on the next steps.

The representative from Austria agreed that the design of the product has been improved, but although these changes may reduce the risk potential there are still concerns about allowing an uncontrolled flame to float in the air. He added that even a low risk could lead to fires and fatalities. However, geographical differences in the EU justify different measures so in that case Member States could be allowed to take national measures. This has been effective in Austria despite the fact that consumers are able to purchase the lanterns cross-border or by internet. He considered that an EU measure was not necessary and accepted that under certain conditions the product could continue to be sold.

The floor was then opened for discussion during which several Member State representatives described the situation in their country as regards sky lanterns. The Commission offered to provide a list of the different measures and actions so far taken by Member States. Member States are asked to check the table and complete any missing information within the given deadline.

A representative from CEN-CENELEC reminded participants that CEN had offered to see with its members if they could support the proposal for the development of a European standard for this product. She reported that there is no support from major stakeholders in DE, UK, FR, AU or ES.

The Chair concluded by saying that the Commission takes into account geographical differences which may justify a difference in approach. In the absence of consensus on a general ban or development of a standard, the Member States have the possibility to take measures on the basis of the General Product Safety Directive provisions. It may also be necessary to consider animal health aspects and aviation security (probably at national level).

The Commission asked to be notified of any general national measures and to receive RAPEX notifications when individual measures are taken by Member States.

9. Children's highchairs

The representative from Belgium presented the results of its market surveillance campaign on children's highchairs which started in 2010. The legal base for these products is the GPSD and European Standard EN 14988-1 of 2006 is applicable. The Belgian authorities carried out a visual inspection of 167 highchairs and sampled 20 for testing. Testing for compliance with the standard was carried out according to the test methods for highchairs (EN 14988-2).

The results showed that 8 chairs were non-compliant, 5 posed a low risk, 6 a medium risk and 1 a serious risk. The product posing a serious risk was recalled from the market. Sales were

stopped at producer level for the medium risk chairs and the authority issued a warning to the manufacturer of the chairs posing a low risk.

In conclusion, 40 % of the highchairs met the safety requirements but 60 % did not comply. The main shortcomings were construction design defects (small openings or squeezing points due to moving parts that could trap small fingers) and a lack of administrative information (markings and instructions). Although EN 14988 was mentioned on 13 highchairs, in actual fact only 6 of these fully complied with the standard.

The Chair thanked Belgium for sharing its findings but drew attention to the fact that only one notification of a non-compliant highchair had been sent via RAPEX. The Chair underlined that all measures should be notified under at least Article 11, even the voluntary ones.

Copies of the final report from the Belgian authorities will soon be available on the website of the Belgian national authorities and on CIRCA.

10. Barbecue grills

A representative from Germany gave a presentation highlighting the issue of carbon monoxide poisoning caused by the use of barbecue grills indoors. Carbon monoxide is colourless and odourless so can go unnoticed, and since the symptoms are tiredness and confusion, they can easily be mistaken for the effects of alcohol. Many young people are unaware of the dangers of carbon monoxide poisoning, which is extremely serious as it is possible for the victim to die even after receiving treatment.

Germany first became aware of the magnitude of the problem in 2008 and since then the number of cases is increasing. A study carried out by German-speaking toxic information centres (including centres in Austria and Switzerland) showed that there are approximately 20 victims per year since 2000. As a result, the German authorities launched an awareness-raising campaign via the BfR (the Federal Institute for Risk Assessment) using various means of communication such as radio, publication of posters in DIY stores, etc. One measure is the use of the voluntary national safety sign, which is not attributed unless warnings are affixed directly onto the BBQ grill appliance. The current technical standards, which apply both to BBQ appliances and charcoal for grills, provide that warnings be included in the user instructions only.

The relevant Technical Standards are EN 1860 (Parts 1 – 4). Part 1 relates to appliances burning solid fuels; Part 2 relates to charcoal, Part 3 to firelighters for igniting solid fuels for use in BBQ appliances and Part 4 relates to single use barbecues burning solid fuels. At this point, the representative from Germany queried why Technical Standard EN1860-2 is not listed in the GPSD.

Germany is considering a review of the technical standards to include the mandatory requirement for a sign to be placed directly on the BBQ itself. They are also considering putting a warning on the packaging of the charcoal.

Support for putting a warning directly on the appliance itself was received from the representative of Austria, who agreed there was a need for a campaign to alert consumers to the dangers. He added that consumers in Austria had also complained that when using a BBQ for the first time, the varnish releases vapours which could contaminate food.

The representative from Denmark also supported a revision of the standard and thought that the application of a warning to the packaging on the charcoal would be extremely helpful.

The representative from CEN-CENELEC confirmed that EN 1860-1 is currently under revision so it is the right time to have such a discussion. She will provide a copy of the presentation to the Technical Committee and welcomes comments from Member States. The representative added that Part 1 is the only one that is referenced under the GSPD and it does not have a mandate, therefore she proposed that a mandate be considered for all Parts.

The Chair announced that Member States will shortly receive a request for their input and views in writing on the proposal to prepare a revision of the standard to include warnings – at least for Part 1 and Part 4. Work will then start on the regularisation of the standard and modification of at least Part 1. The German representative asked that since there is an obligation to warn against using these appliances indoors (already dealt with in Parts 1 & 2), Parts 1 and 2 should be revised in parallel.

11. 3D televisions, smartphones, games

The representative from the Netherlands referred to stories in the Dutch media concerning the risks associated with the use of 3D products (TV, cinema, games, etc.). Health risks include a sensation of dizziness, the risk of developing a 'lazy eye' in children under the age of 7 and a feeling of sea-sickness.

Industry's opinion is divided: one well-known multinational company admits that using the 3D feature can lead to deterioration of vision and therefore does not recommend that children under the age of 7 use consoles in 3D mode. Another leading brand, on the other hand, states that the intensity of the 3D experience is set by the producer and advises viewers to stop watching TV if they feel unwell.

The Dutch Minister of Health is of the opinion that this issue should be discussed at European level and asks if research could be coordinated by the Scientific Committee on Consumer Products (SCCP). He also maintains that it is the producer's responsibility to estimate the risks and inform users accordingly. Finally, the representative from the Netherlands asked Member States if they were aware of the potential risks, if any measures have been taken anywhere in Europe and if they think European research into this area would be useful.

The representative from France confirmed that they are aware of certain problems and that the French health agency (ANSES) has set up a study to assess the problem of 3D technology. The report is expected in 2013. The Chair thanked France and asked that the findings of the study be shared with other MS.

The Chair asked Member States to respond to the questions of the Netherlands in writing.

12. XXL Lighters

The representative from Austria gave a short presentation to raise awareness about XXL sized lighters, which were also the subject of discussion during the joint action on lighters since many are being imported into the EU.

The XXL lighters are taller than 10 cm so they contain a large fuel container (perhaps up to 10 times more fuel than in usual lighters). The main benefit for economic operators is not the price but the fact that they have a larger surface for advertising.

As regards legal aspects, XXL lighters are not specifically addressed in EN ISO 9994, where there is no definition of maximum fuel content although the definition of the lighter applies. They are not considered as utility lighters as this requires that the ignition mechanism and flame are at different ends of the lighter; and according to EN 13869, XXL lighters are not considered as novelty lighters. In any case, a child resistant mechanism is required if it is a

low cost lighter. The representative from Austria added that if the XXL lighter complies with ISO 9994 there is also a presumption of conformity with the GPSD.

The risks associated with these products are caused by the high content of fuel which increases the fire hazard. Even if the lighter complies with ISO 9994, an external impact can lead to an explosion. In addition, as these lighters last longer than usual lighters there is an increased risk of certain parts failing.

Austria does not consider it necessary at this stage to take measures as the popularity of these products and number of imports are decreasing but, should it become necessary, it was suggested that ISO 9994 could be amended so as to define the maximum permissible content of fuel. Another possibility could be to amend the Lighters Decision or to apply the GPSD which requires an individual risk assessment - but this could be difficult if the lighter conforms with ISO 9994.

To determine whether any measures are necessary, the representative from Austria asked Member States to forward any accident data, comments or information about these lighters either to him or to the joint action lighters group.

13. Garden Torches

The representative from Austria briefly presented a potential issue with garden oil lamps intended for outdoor use. It was explained that the oil burner in bamboo sticks does not comply with the oil lamp standard as the wick is attainable and there is no protection against opening the burner. No accidents have been reported in Austria to date – unlike the incidents of oil lamp poisoning from indoor lamp varieties. However, Austria would like to know whether any accident data involving garden oil lamps is available in other Member States.

The representative from Austria further asked whether the standard EN 14059 "decorative oil lamps", which is referenced under the GPSD, is applicable to garden oil lamps and, if so, he asked if any Member States apply the standard in practice. The Chair confirmed that the standard applies and that this position has been confirmed by CEN on several occasions.

A representative from Germany informed the meeting that there had been 2 incidents in Germany which led to a voluntary stop on sales of garden lamps. Germany was therefore pleased to have confirmation of the need to apply the standard. The Chair reminded Germany that unless the lamps in question were produced and distributed locally, Germany should have submitted a RAPEX notification about these incidents.

The representative from Denmark questioned the application of the standard to outdoor garden torches. The risk of young children drinking the oil, for example, is less likely for outdoor lamps as they are not child-appealing. Furthermore the emission of poisonous gases is less dangerous outdoors. As a result, Denmark is not sure that the general standard for oil lamps can be applied to outdoor torches and think that it is more pertinent to have a dedicated standard (which could also treat the stability issue) or at the very least to improve the current standard to include a section on outdoor oil lamps.

The Chair was disappointed with the lack of response by Member States and reminded them of the reason for sending out the agenda in advance. More productive meetings result from Member States being well-prepared. The Chair asked Member States to provide further comments on the issue of garden torches in writing.

14. Recovery of costs of testing of non-food products

At the end of June, the Commission provided Members of the CSN with a table mapping the national rules for recovery of testing costs and asked them to confirm whether the information concerning their Member State was correct and up-to-date. At the time of the meeting, only 5 replies had been received.

According to the replies received, the most common situation seems to be that testing costs are recoverable from economic operators if the tested product is found to be unsafe, although the situation is not exactly the same in all countries. The only exception would appear to be the Netherlands where recovery of testing costs from faulty economic operators is impossible.

For those Member States who did not provide information about their rules concerning recovery of testing costs, the Commission will assume that the general rule (i.e. that testing costs are recoverable from economic operators if the tested product is found to be unsafe) applies, unless Member States wish to provide further information, in which case they were asked to inform the Commission as soon as possible.

The Chair informed participants that this issue is likely to be included in the framework of the revision of the GPSD.

The representative from the Netherlands thanked the Commission for its efforts in this respect.

Miscellaneous

15. Consumer complaints classification

A Commission representative from DG SANCO B1 presented a new IT tool to harmonise the method for collecting consumer complaints with a view to implementing the Recommendation on Consumer Complaints. Currently, the system is not homogenous and there are no common standards for dealing with complaints. Harmonised data would be useful to identify problems and to provide a better response.

The European Consumer Complaints Registration System is an IT tool that is offered for free on CIRCA, and is available to all consumer organisations in all EU languages. The results can be analysed locally. There is information for big organisations with their own databases on the inter-connectivity options.

Financial support (grants) is offered to complaints bodies willing to adopt the new methodology and adapt their IT systems in line with the requirements of the Recommendation. A further support measure is to provide hands-on support sessions to national stakeholders either locally or in Brussels on how to adapt their IT systems, promote awareness-raising and exchange information.

An analytical module will be added to future releases of the software. Pre-calculated statistical data sets will be made available after a certain number of complaints has been reached.

The Chair informed Members that the Recommendation could have interesting links to the obligations included in Article 18 of Regulation 765/2008, and the European Parliament report on market surveillance and the GPSD. Member States were asked to follow up and to contact SANCO.B.1 directly.

There was some confusion as to the objectives of the new tool. SANCO B1 explained that the aims were broad to cover all sectors, all products, issues of safety and of fraud, whereas RAPEX was more limited. The Chair underlined that this is a tool to handle complaints from consumers and is linked to market surveillance activities. Member States are encouraged to look into and use the new system.

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16. Date of the next CSN meeting

The tentative dates of the next CSN meetings in 2012 are: 10 February, 25 May and 25 September (to be confirmed).

Annex 1: Adopted agenda

Annex 2: Attendance list

Annex 3: Adopted minutes of the meeting of 27.05.11