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HEALTH & CONSUMER DIRECTORATE-GENERAL

Directorate B - Consumer Affairs  
B3 - Product and service safety

SANCO

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

**BRUSSELS – 15 JUNE 2009**

**Introduction**

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

Spain requested data from the consultation on the standard for high chairs, following the Committee meeting in June 2008. The Commission will follow the matter bilaterally. The Chair introduced Mr. Thomas Fairley, who has recently joined Unit SANCO.B.3 and will, among other things, be responsible for work on personal music players.

**1. Adoption of the agenda**

The draft agenda was adopted. 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 minutes of the meeting of 29 & 30.01.09 were adopted without changes. The adopted minutes are attached as Annex 3.

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

**3. DMF Decision and follow-up in the Member States**

A note had been transmitted to Member States prior to the meeting requesting information about implementation of the DMF Decision in their country. 15-16 countries have taken satisfactory measures; 3 Member States have not yet taken any legislative measures and information is incomplete in the other Member States. The Commission will therefore individually be contacting Member States soon to obtain further feedback.

Some Member States are taking specific measures: France is working towards a permanent ban under REACH; Poland indicated that they believe that industry is not prepared for DMF testing; Norway has transposed the Decision and is preparing to take joint action with other Nordic countries.

The Commission representative asked Member States to consider alternatives to DMF. Poland raised concerns about finding other chemical alternatives, which may also pose a threat to health, and suggested that instead of imposing a ban, specific new ways of

applying the chemical substances could be considered. The Commission representative concluded by saying that 41 biocides are to be evaluated under the review programme<sup>1</sup> of the Biocides Directive over the coming years, with the aim of finding a safe biocide.

#### **4. Future Review of the GPSD**

A Commission representative gave a presentation of the problem areas and policy options which are being considered in the context of the review of the GPSD following the report on the implementation adopted in January 2009. Internal discussions within the Commission are still ongoing. After today's first overview of the issues, Member States will in due course receive a more detailed presentation and be invited to submit their comments.

The Commission representative explained that the main objective is to clarify and update the GPSD in the light of new risks that have developed, and to adapt the rules to address the speed of these developments. The policy options considered include amendment of the existing Directive or conversion into a new Regulation.

As regards the timeline, the project will be discussed with stakeholders in the autumn by means of an online consultation, workshops and ad hoc meetings. Following an impact assessment, a Commission proposal is expected to be finalised in the second half of 2010.

A short discussion followed where several Member States agreed with the problem identification and confirmed their support for revising the GPSD. Some are also in the process of revising their product safety laws, and some underlined the political sensitivity and recommended broad-based discussions in the preparatory phase.

#### **5. Monitoring Enforcement in the Member States – Indicators for 2008**

The Chair thanked Member States who sent experts to participate in the Working Group on Enforcement Indicators, which has now produced a set of definitions on which the Commission will base its proposals for a long-term framework for data collection as regards enforcement.

The Commission representative reminded participants of the purpose of the exercise and outlined the state of play which has resulted in a proposal for 3 sets of enforcement data : outcomes and impact, to be measured by the EC in the form of studies and media monitoring, and input/output data which should be collected by the national enforcement authorities; where input data relates to information concerning resources and output data concerns the activities carried out by the authorities to ensure compliance.

A consultation paper will be sent to Member States and the Consumer Protection Network (CPN). Based on the comments received, a questionnaire will be drafted in July and sent to the Member States allowing 2-3 months for data collection. Some Member States expressed their concern about the availability of structured and centralised data in time for this year's exercise.

The Chairman referred to the Mattel recalls in 2007 and the recent settlement with a fine between the company and the US Consumer Product Safety Commission, and asked Member States to inform the Commission of any sanctions or follow-up that had been taken in response to the situation. No fines or other specific measures by Member States were reported in the meeting and the Chair invited Member States to send any available information separately.

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<sup>1</sup> Commission Regulation (EC) No 1451/2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market. OJ L 325, 11.12.2007, p. 3.

## **6. Business Application in production**

The Commission representative announced that the GPSD Business Application (BA) became operational on 4 May 2009. Training and access to the application have been provided for the market surveillance authorities and a user manual has been published. One month after the BA became operational, Member States received the first notification through the system. The submission was successful and the notification has been accepted. As regards future actions, BA should be promoted by the Commission and Member States, and businesses should be encouraged to submit notifications via the application instead of using traditional means such as fax or email. Operation of the system will be closely monitored and Member States are invited to submit any comments in order to upgrade the system prior to the launch of a second version of the application.

## ***Standardization***

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### **7. Ladders - information/updates**

The Commission representative provided information on the latest developments on the execution of Mandate M/285.

In April 2009, the Technical Committee 93 had a plenary meeting and decided to publish the version of the standard EN 131, part II, which was rejected in December 2007, with small additions. Another decision was to leave the development of requirements and testing methods for stability, durability, ladder classes and weight loads to a second stage which will take place in 2 years' time. The Commission is not very pleased with this dual approach as the mandate for safety requirements has been postponed, but it has encouraged CEN to continue. One positive development: a new Working Group (WG 10) has been set up to carry out the development of stability requirements and test methods. This task has been officially registered as a work item in CEN who now has a maximum of 3 years to work on this. The next plenary meeting will be held in September 2009. The Commission will keep the Member States informed of any developments.

### **8. Childcare articles – Cluster 1 : Drowning risks – Discussion and Vote on draft safety requirements**

The Chair thanked those Member States who have submitted comments on the Draft Decision and stressed that the products covered by the Decision should not be considered as safety devices but as bathing aids. There are no harmonised standards for such products and several accidents have occurred. Although the Commission does not recommend that the products be banned, there is definitely a need for harmonised safety requirements.

The floor was then opened to Member States for discussion. Three Member States (FI, UK and SV) voiced reservations about developing a standard for such products.

During the meeting, an amended document in English was distributed to the Committee, taking into account some last-minute changes submitted by Member States. After a short discussion about the amendments, the Commission then invited the Member States to vote in order to proceed to a formal opinion. The draft Decision received a favourable opinion from the Committee, with 24 Member States in favour, 3 against and 0 abstentions.

## **9. Window hasps – Discussion and Vote on draft safety requirements**

The Commission presented recent amendments, as proposed by the Member States, to the draft Commission Decision setting safety requirements for window locks to prevent children from accidentally falling from windows. Following a short discussion, the Commission then invited the Member States to vote in order to proceed to a formal opinion.

The draft Decision received a unanimous favourable opinion from the Committee.

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

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## **10. New RAPEX Guidelines including new Risk Assessment Method**

The Commission representative provided an update on the state of play of the new RAPEX Guidelines, which include new Risk Assessment Guidelines, and gave a detailed presentation of the new Guidelines, focusing on the new features.

A preliminary draft of the Guidelines has already been circulated to members of the GPSD Committee. In the coming weeks it will be circulated within the Commission, by means of an interservice consultation for comment by other DGs. The current, distributed preliminary draft may therefore be subject to change. After the consultation, the revised guidelines will be submitted to the GPSD Committee for an opinion in accordance with the advisory comitology procedure in view of their adoption by the Commission.

### ***International issues***

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## **11. Recent and forthcoming international activities**

The Commission representative updated the Committee on recent international activities.

### ***China :***

- High-level meetings have taken place between the EC and China including a bilateral meeting between Commissioner Kuneva and AQSIQ (General Administration of Quality Supervision, Inspection and Quarantine of P.R.C.) Vice-Minister Wei, which had a positive outcome producing a commitment for further cooperation, notably as regards the organisation of the Shanghai Expo 2010. In the context of the High Level Economic Dialogue meetings on the 7<sup>th</sup> and 8<sup>th</sup> of May, our bilateral cooperation with AQSIQ in the area of non-food consumer product safety was highlighted as an example of a successful dialogue that could be used as an inspiration for other sectors.
- Representatives from SANCO.B.3 also travelled recently to China for technical meetings with AQSIQ. The meetings provided the chance to update each other on developments in consumer safety, standardisation efforts and to learn more about the new Chinese draft legislation on recall of defective products which is currently being discussed. In this regard, the Commission reminded Member States that AQSIQ is seeking an expert on the RAPEX system and that relevant information has already been circulated to the Committee.
- In the autumn, there will be a regulatory dialogue between AQSIQ and DG ENTR and AQSIQ are interested in receiving training on the new risk assessment methodology that is being developed. The Commission has undertaken to go to China, possibly with Member State experts, to explain the new methodology.

- In the area of toys, China is updating its quality licensing system for exported toys obliging manufacturers to comply with new traceability requirements. There is a keen interest in the toy joint action and training on the revised toys directive.
- A roundtable on the impact of the financial crisis on product safety provided some important insights into its effects, confirming that there is a positive influence on product quality and safety, through consolidation in the industry and more focus on testing and assurance efforts.

USA :

- The Commission is in regular contact with the CPSC and the Toy Safety Working Group to exchange information on topics of mutual interest and to keep informed of progress on the implementation of the Consumer Product Safety Improvement Act, which allows the CPSC to be more open towards exchanges of information.
- The Commission is in the process of preparing a draft recommendation to the Council authorising the EC to start negotiations on the exchange of confidential product safety and recall information.

Switzerland:

- Negotiations are still ongoing in view of reaching an agreement on consumer product safety, health and food.

ICPSC :

- ICPSC will host a workshop on product traceability in Stockholm on 10.09.2009 in conjunction with a Swedish Presidency organised market surveillance conference.

## **12. Summary of Consumer Policy Network (CPN) discussions on coordination issues with third countries**

The Commission representative gave a short presentation of the latest discussions in the CPN on international issues, which took place on 19 March 2009. Certain Member States have reported on their activities with China as regards product safety. The Commission would like to be kept informed of such initiatives in order to develop synergies with its own relations with third countries and equally importantly to allow coordination among interested Member States. The CPN agreed it would be useful to identify priorities for future joint activities and cooperation, and the Committee representatives were reminded to send all relevant information to the Commission.

### ***Specific Products & Risks***

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## **13. Mercury in energy-saving light bulbs – Activities in the Member States and possible mandate to the Scientific Committee**

The Commission representative reported on the Commission Regulation to foster the use of energy-saving light bulbs and to remove other types of light bulbs from the market over the coming years<sup>2</sup>. The 5 mg of mercury present in "average" energy-saving light bulbs is currently under consideration within the RoHS Directive<sup>3</sup>, and there is no appropriate risk assessment available. In support of the RoHS Directive, the Scientific

<sup>2</sup> Commission Regulation (EC) No 244/2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to eco-design requirements for non-directional household lamps. OJ L 76, 24.3.2009, p. 3

<sup>3</sup> Directive 2002/95/EC of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment. OJ L 37, 13.2.2003, p. 19.

Committee on Consumer Safety will be asked for their opinion on the potential risks posed to consumers by the mercury escaping from an energy-saving light bulb in case of accidental breakage in the hands of a consumer. Member States were asked to share their experiences and to give their views on this issue.

#### **14. Nano-materials in non-food consumer products**

The Commission reiterated its request for additional information on the possible risks posed by nano-materials in non-food consumer products. Several Member States confirmed that work in this area is still ongoing and the results will be communicated to the Commission when available.

The Commission representative informed the Committee that the Scientific Committee is evaluating data concerning nano-titanium-dioxide in sunscreens. An Opinion may be issued at the end of this year. In addition, the Commission will soon launch a study on consumer products in order to identify why producers use "nano-claims": actual content of nano materials or rather a publicity stunt? If possible, some products should be tested for actual nano material content.

#### **15. Personal Music Players (PMPs)**

The Commission gave an update on the subject of PMPs and the draft mandate to the standards bodies. The standardisation mandate, a draft version of which was distributed to the Member States for information prior to the meeting, is expected to be adopted in July following the consultation of the 98/34 Committee. Adoption of the standards for listing in the Official Journal is foreseen 24 months after the acceptance of the mandate.

### ***Miscellaneous***

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#### **16. Application of the GPSD and the Regulation (EC) N° 765/2008 (the New Legal Framework Regulation) from 1 January 2010**

The Commission representative presented the state of play of preparations for the application of the GPSD and the New Legal Framework Regulation. The soon-expected IT platform for the GPSD/RAPEX system, called GRAS, will be adapted to be able to also include other rapid alert notifications which are covered by the Regulation (REIS not being able to support notifications from the Regulation). It is the opinion of the Commission's Legal Service that the GPSD Committee will be the sole committee managing comitology aspects of the Regulation as regards the rapid alert system. Guidance documents will be developed in due time.

#### **17. Joint Actions – Applications received for 2009 and State of Play**

The Commission updated the Committee on the Joint Actions applications in 2009. Five applications were received from PROSAFE, including ones on baby walkers, helmets, child-appealing appliances, sun beds and lighters. There are at least 10 participating Member States in each joint action. The Executive Agency for Health & Consumers will now evaluate the applications and the GPSD Committee will be informed of the outcome.

Member States were encouraged to keep in contact with those responsible for the joint actions and to follow-up on the results. The Commission thanked the Member States and PROSAFE for their input.

## **18. Services**

The Commission representative thanked Member States for submitting replies to the questionnaire on service safety; only 4 countries have not yet replied. The replies will be analysed over the summer in view of having a more concrete discussion at the next meeting of the GPSD in the context of the review of the GPSD.

The Commission representative outlined DG SANCO's ongoing work in the area of Consumer service markets which includes financial, energy, transport and digital services as well as safety of services. Other actions briefly mentioned will be covered in more detail during the meeting of the Consumer Safety Network on 16 June 2009.

### ***Any other business***

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## **19. Market Surveillance – position paper by ANEC and ORGALIME**

Mr. Stephen Russell, Secretary-General of ANEC presented the key points of the ANEC-ORGALIME position paper on market surveillance which was drafted to address the fact that too few products on the market comply with legislation. It was stressed that market surveillance across Member States is not equal; Member States have different priorities and different resources. Hence, ANEC and ORGALIME are calling for the creation of a pan-European framework for market surveillance.

The position paper is available on CIRCA and on the website of ANEC: [www.anec.eu](http://www.anec.eu).

The Commission encouraged Member States to respond to the paper and make their views known to ANEC and ORGALIME.

## **20. Open stove/fireplaces using ethanol**

Denmark requested a discussion on open stove/fireplaces, which are becoming more popular throughout Europe and for which there are currently no standards. There have been several incidents reported of fire and burns caused by these stoves due to problems with stability and accessibility. Health problems have also been signalled by consumers due to the fumes. Denmark proposes to make a first draft proposal for a standardisation Mandate and invited the other Member States to give their opinions.

Many Member States stated their support for a mandate. The Chair appealed to Member States to work together to make an inventory of similar products on the EU market and to submit to the Committee at a future date proposals to address the risks associated with these products. Denmark agreed to lead this work.

## **21. Commercialisation on the European market of Chinese radiators containing asbestos**

The Commission has received information about aluminium radiators made in China containing asbestos. This was first signalled last year by Italian manufacturers but the Italian authorities concluded that there was only a moderate risk since the radiators were only found at a trade fair in Milan and not on the consumer market. It was thought, therefore, that the risk would not be for consumers but for the technicians installing the radiators. However, new documents have now been received by the Commission from industry representatives carrying out their own investigations which show that these products have been found in retail outlets in 4 Member States: FR, PL, RO & BG. The authorities have been informed but so far only the Bulgarian authorities have informed the Commission about measures adopted in their country.

There is an additional problem of counterfeiting of markings on these products. The Commission has asked the relevant business operators to provide further information and any interested Member States should contact SANCO.B.3 for more details.

## **22. Observers in Committee meetings**

The Committee Chair proposed to invite business representatives, alongside the consumer representatives, standardisation organisations and third country observers, to participate in future Committee meetings on a regular basis. If no objections are raised within the next few weeks, the Commission will go ahead with this proposal.

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The next meeting of the GPSD will take place in the autumn 2009.