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EUROPEAN COMMISSION
HEALTH & CONSUMER DIRECTORATE-GENERAL

Directorate B - Consumer Affairs
B3 - Product and service safety

Brussels,
DG SANCO.B.3 dmo/ (2010)

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

BRUSSELS – 18 JUNE 2010

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. 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 29.01.10 were adopted without change. The adopted minutes are attached as Annex 3.

Standardisation

3. Regularisation of Publication of References in the Official Journal of the European Union

The Commission representative provided a short update on the draft safety requirements for bicycles & bicycle accessories, training equipment and gymnastic equipment.

The inter-service consultation (CIS) on draft safety requirements for training and gymnastic equipment has been launched and finalised in the case of training equipment. The consultation on gym equipment will be finalised in late June. The CIS on draft safety requirements for bicycles will be carried out at a later date.

The Commission will again circulate the draft measures to the Member States to gather final comments and, if there are no objections, the three draft decisions will be submitted to Member States for approval by Written Procedure.

4. Publication of revised version of standards in the Official Journal of the European Union

- EN 14682: the CIS on a standard for cords and drawstrings has been completed without any objection. The Commission will submit the text to Member States for approval by Written Procedure.

- EN 12586 for soother-holders: the Commission has received information from Member States that the revised version is not yet suitable for reference on the Official Journal as there is a problem concerning soother-holders which can be doubled and cause a strangulation hazard. The deadline for a new version is 20/01/2011.
- EN 1466: the revised standard on childcare articles, carry-cots and stands for children will undergo a new amendment (A2) concerning handles on carry-cots. The current version does not address all types of handles. The Swedish authorities have signalled a problem with the length and position of handles on carry-cots. The Commission and CEN would like Sweden to provide further information about this.

5. Mandate on Ladders

The Commission representative informed participants that a revised version of the mandate will be available in July this year. CEN has appointed a Working Group to complete the mandate, develop test methods for stability, etc. The Commission is following progress within CEN. It is expected that a draft revised standard will be available at the end of 2011/beginning of 2012.

The Commission representative added that the joint action on ladders would help to test the standard and invited Member States to contribute to this joint action.

Service Safety Issues

6. Presentation by the "European Confederation of Outdoor Employers"

Mr. Herman SMULDERS and Mr. Jacques LOOSVELDT from the European Confederation of Outdoor Employers (EC-OE) presented their organisation and its role in ensuring consumer safety during outdoor active leisure activities. A background document and copy of the presentation are available on Circa.

The EC-OE sees a need for coordination of the safety approaches regarding outdoor activities at EU level but believes in self-regulation. It aims to develop an EU "Code of Conduct" for the outdoor service providers to improve safety and calls upon the EU and Member States to lend their support, focusing on research, dissemination of information and validating a "Code of Conduct" label. The EC-OE is interested in collecting data on national safety programmes and on outdoor companies working in the EU so that they may contact them to help improve the safety of their outdoor activities in their own country.

The EC-OE also outlined the BFNO¹ Guidance & Evaluation System for safe practices in outdoor programmes, which aims to improve safety and care for the environment, as well as to provide quality assurance for customers, staff and third parties (such as tour operators). Successful employers participating in the system can receive the BFNO 'Approved Safety Practices' label, which is endorsed by the Belgian government as a "code of conduct" for the outdoors and remains valid for 3 years renewable. More information is available at www.bfno.be.

¹ BFNO : Professional Federation of Outdoor Leisure Activities Employers.

7. Study on safety of hotel services

The Commission representative gave a brief presentation on the state of play concerning a study on safety of hotel services carried out by a contractor.

The Commission intends to provide a further update on the outcome of the study at a future CSN meeting.

Joint actions and exchange of officials

8. Joint Actions and Exchange of Officials programmes

Before the presentation on Joint Actions, the Chair introduced Mr. Nico OLIE, the new Executive Director of PROSAFE, who attended the meeting.

Mr. Michael CASSAR, the PROSAFE representative, then gave an update of progress on ongoing joint actions (2005-2009) and proposals for Joint Actions in 2010.

Ongoing joint actions include: EMARS II, baby walkers, child-appealing appliances, helmets, lighters and sunbeds. Proposals for 2010 include both GPSD products and harmonised products, although priority under the current call for tender is expected to be given to GPSD products. Other future activities include work on the revision of the "Corrective Action Guide", which is of particular importance to PROSAFE, a prototype of an e-learning training tool and work on a strategy for market surveillance (also in view of the GPSD revision).

22 Member States have signalled their interest in participating in the 2010 Joint Actions which will focus on four specific GPSD products – food imitation products, ladders, laser pointers and children's fancy dress costumes.

As regards harmonised products, three specific products are proposed for the 2010 Joint Actions: visibility clothing, lawn mowers and battery chargers. However, it is expected that this part of the joint action will only be awarded a grant if additional funding can be found. In the meantime, a formal negotiation procedure will be launched with the EAHC with a view to commencing work in September.

The Commission representative confirmed that a formal evaluation of the proposals submitted would take place on 28 June. Depending on the results, the EAHC would then start negotiations with PROSAFE. The maximum budget available is 1.3 million euro.

The Irish representative thanked PROSAFE for the work carried out but raised concern about the delay in providing funding for the joint actions. The Commission representative asked Member States to provide concrete examples of any problems they may have experienced with the EAHC.

The Commission representative then gave a brief update concerning the exchange of officials. The EAHC has been asked to extend the deadline for applications.

9. Analysis of dimethylfumarate (DMF): DMF generation during the analysis of textiles

In advance of the meeting, Member States were asked to report whether they have observed dimethylfumarate (DMF) generation from fumaric acid (in textiles) during the extraction with methanol.

The Bulgarian representative presented the background to Bulgaria's concerns about the possible generation of DMF when extracting textiles with methanol for DMF isolation and asked Member States for their views. She described how the use of different analysis methods for testing the same consumer product can lead to different results even if the analyses are carried out in the same laboratory. This can cause confusion amongst importers as the results do not sound coherent. As a result, the importer may ask for tests to be repeated until they get a satisfactory result. The Bulgarian representative considers that a standard method is required for determining the concentration of DMF in a product but, as this could take time to develop, asked if it would be possible to indicate the type of solvent which should be used for testing when the Decision on DMF is renewed.

The Commission then gave a presentation concerning the possible generation of DMF when using methanol extraction on textiles containing fumaric acid. The Commission has consulted several European laboratories and experts about the issue, who have confirmed that DMF can in principle be formed during methanol extraction if fumaric acid is present in textiles. However, there is no published report to confirm this. The consulted experts suggested that alcohols such as methanol or ethanol should not be used for testing purposes and proposed using an alternative extraction solvent called acetonitrile.

The Commission has therefore contacted CEN who is developing a test method to determine DMF in footwear material (including leather), in order that CEN can take into account the possible generation of DMF during the sample extraction with methanol. Member States are asked to share their experiences with CEN.

One Member State reported that ethyl acetate can also be used for DMF extraction; another reported that no DMF generation was observed when extracting textiles with methanol.

10. Divergence in risk assessments

Member States were asked in advance to propose cases for discussion at the meeting. The Polish representative submitted an email concerning 4 RAPEX notifications for which there are diverging risk assessments. The Commission representative went through each point and responded as follows:

- **0034/10:** The product should be subjected to a torque test by the Polish authorities.
- **0925/07:** The Czech authorities should update the notification and stop its measures against the modified product.

- **1609/09:** The Commission agrees that the product is intended for children under 3 years of age. DG ENTR (Toys Unit) has confirmed that the German authorities' interpretation of the Guidelines on classification of toys is correct.
- **1713/09:** The Commission will ask the Cypriot authorities to react and provide a test report.

The Spanish representative thanked the Commission for including this issue on the agenda and added that one reason for diverging risks assessments may be due to the fact that products on the market are not always homogenous and that documentation submitted by companies often relates to the first version of a product, which may no longer be up-to-date. In Spain, several samples of a product are taken for analysis in cases where the company does not agree with results.

The Polish representative added that they wanted to emphasise with these examples that the mere fact that a product is notified in the RAPEX system does not exempt a Member State from carrying out its own risk assessment when the product is found on their market.

Another case presented at the meeting concerned RAPEX notification **0959/09** relating to a remote control firework igniter. The product, which was originally notified by the Danish authorities as a serious risk, prompted a reaction from the UK stating that the igniter itself does not pose a serious risk. There have been no reported incidents in the UK and the safety instructions are considered to be sufficient to allow the product to be sold in Europe. The UK representative added that manufacturers and European distributors are also prepared to improve the safety information provided. Nevertheless, the UK surveillance authorities are concerned that other Member States are removing the product from the market without carrying out their own risk assessment.

The Danish representative agrees that it is not the product itself, it is the combination of the fireworks and the ignition system, but emphasised that these products are used in the streets in Denmark and there is therefore a serious risk for bystanders. However, the Danish representative acknowledged that these products may be used differently in different countries and that it is therefore a cultural issue.

The Commission representative from DG ENTR referred to the Directive on Pyrotechnic Articles, which has a provision (Article 6(2)) relating to cultural differences and offers Member States the possibility to go further with restrictions on certain articles if justified by safety arguments. One solution could be to signal to all Member States that they should carry out a risk assessment according to their own cultural traditions.

The DK and UK representatives agreed that it was logical to allow for cultural differences, however the UK representative asked if this situation could be reflected in the RAPEX system.

Miscellaneous

11. Recall effectiveness

The representative of the Netherlands presented the results of a study on recall effectiveness undertaken by the Food and Consumer Product Safety authorities in the Netherlands. The presentation highlighted the "hurdles to consumer action" and provided

advice as to how a successful recall might be carried out. A copy of the presentation is available on Circa.

12. Nano claims contract

The Commission representative provided an update on ongoing work in the field of nano claims. Out of the 22 producers contacted by the contractor to justify nano claims on their products, only 6 replied (for 8 products). Unexpectedly, since the start of this study in January 2010, one producer deleted the nano claims from his product and his website and two further producers replied that they intend to remove the nano claims from their products because the term "nano" could harm sales due to its general bad reputation.

In the second part of the study, a scientific institute will analyse three samples claiming to contain nano particles: a toothpaste, a (car)glass cleaning product and an anti-wrinkle cream, in order to confirm/disprove the presence of such particles in the products, until the end of June 2010.

13. Flame retardants contract

The Commission provided an update on ongoing work in the field of flame retardants. A contractor has contacted producers of flame retardant products. About 50 were listed in approximately 700 different uses. The dangers and exposure scenarios will be used to draft tentative risk assessments.

The second part of the study carried out by the contractor concerned fire statistics and the fire safety requirements in Member States' legislation. The contractor sent a questionnaire to Member States and received 14 replies. The data were compared with a WHO database, and the differences encountered will be analysed, including by means of contacts with the Member States.

There will be an interim report in September and CSN Members will be updated on the progress at the next CSN meeting.

A.O.B

14. Toy laser pointers

As a follow-up to Malta's presentation at the CSN meeting on 22 October last year, the Swedish representative presented a paper on Sweden's position regarding laser pointers. The representative does not agree that Class 3B and Class 4 laser pointers should fall under the Low Voltage Directive (LVD) as they are hand-held devices using voltage limits below the range specified in the Directive. These products should therefore fall under the GPSD.

Sweden has noticed an increase in the number of incidents related to laser pointers of Class 3B and Class 4. These laser pointers do not resemble toys and are quite easy to purchase. Laser products which fulfil the requirements of the standard EN 60825 have the right to be placed on the market unless they can be regarded as hazardous since they pose a serious risk, but several Swedish authorities consider that laser pointers of Class 3B and higher do present a serious risk and that these products should therefore be removed from the market. Sweden also supports Malta's suggestion that toy-like laser pointers also should be banned from the European market.

A discussion ensued during which the Commission representative considered the possibility of extending the provisions of Standard 60825, which is referenced under the LVD, to products covered by the GPSD with less than 50V. Some Member States mentioned the difficulty in making a distinction between lasers for consumers and lasers for professional use, which could make it difficult to impose a ban.

The Austrian representative agreed there was a need to find a European solution to the problem, such as an Article 13 Decision. However, the Commission representative said that for an Article 13 Decision, it was necessary to obtain concrete information and data about any incidents involving the use of laser pointers. He added that the Joint Action on lasers, which is planned in 2010, should help to communicate further about the issue.

The next meeting of the Consumer Safety Network is scheduled to take place on 15 October.

ANNEX 1: Draft Agenda

ANNEX 2: Attendance List

ANNEX 3: Adopted Minutes of Meeting of 29 January 2010